

CHAPTER 5.0

Consultation and Coordination

5.1 Introduction

The BLM decision-making process is conducted in accordance with the requirements of NEPA, CEQ regulations, and DOI and BLM policies and procedures implementing NEPA. NEPA and the associated regulatory and policy framework require that all federal agencies involve interested groups of the public in their decision-making, consider reasonable alternatives to proposed actions, and prepare environmental documents that disclose the potential impacts of proposed actions and alternatives. The BLM planning regulations also emphasize the importance of public participation and coordination and consultation with other federal agencies, state and local governments, and Tribal governments.

BLM uses collaborative approaches to the extent possible to encourage consistence in planning across different land ownerships and jurisdictions. FLPMA directs BLM to consider the policies of approved state and tribal land resource management programs, developing land use plans that are consistent with state and local plans to the maximum extent possible consistent with federal law and the purpose of the Act (43 USC 1712[c][9]). In addition, public involvement, consultation, and coordination have been at the heart of the planning process leading to this Proposed RAMP/CDCA Plan Amendment and Final EIS. This has been accomplished through public meetings, informal meetings, individual contacts, planning bulletins, a planning Web site, and *Federal Register* notices.

This chapter describes the consultation and coordination activities the BLM conducted while preparing this Proposed RAMP/CDCA Plan Amendment and Final EIS. Input was obtained in a variety of ways throughout the process. Both formal and informal efforts were made to involve the public, other federal agencies, Native American tribes, and state and local governments. The information in this chapter is supplemental to public and cooperating agency information provided in Chapter 1. Sections 5.2 and 5.3 describe efforts made to collaborate and cooperate with the general public; land owners; managers; and federal, state, and tribal agencies in the development of this document. Section 5.4 describes the process used to catalogue and respond to comments that were received on the Draft RAMP/Draft EIS (DRAMP/DEIS), including a summary of the comments and corresponding responses. Public comments received for the DRAMP/DEIS can be found in Appendix S. In addition to the public comments provided in Appendix S, a form letter (that is, the same message or comment) was received from 3801 individuals. Only one copy of the form letter is included in the appendix. A list of

persons who have contributed to the preparation of the DRAMP/DEIS and of the Proposed RAMP/CDCA Plan Amendment and Final EIS is included in Section 5.6.

5.2 Specific Collaborative Planning Actions

Federal laws and policies require BLM to consult with Native Americans, the SHPO, and the USFWS during the planning/NEPA decision-making process. This section documents the specific consultation and coordination efforts undertaken by BLM throughout the entire process of developing the Proposed RAMP/CDCA Plan Amendment and Final EIS. In addition to the formal consultation process, the Public Scoping process is described in the Results of Scoping Report, Appendix A.

5.2.1 Native American Consultation

Formal and informal consultation and contacts were made with interested tribal entities at several points in the planning process in order to comply with EOs regarding government-to-government relations with Native Americans and other federal laws and regulations.

The Native American Heritage Commission was notified by letter in August, 2008 of BLM's intent to initiate government-to-government consultation with Native American tribes on the ISD RAMP. The BLM invited tribes to consult on revisions to the RAMP in a November, 2008, letter. A letter was sent to the chairman of each band or tribe with potential cultural ties to the Planning Area or who had expressed an interest in the Planning Area. Letters were also sent to council members, staff, and individuals who might have an interest or special knowledge of the Planning Area. Each letter detailed the need for a new plan, described the Planning Area, and requested comments on any and all issues that may have been of concern to the tribe, including religious or cultural values that may be affected by planning decisions.

The BLM followed up with a letter in March, 2010 inviting tribes to participate in government-to-government consultation; providing notification of the release of the draft EIS; and inviting tribal participation in three separate open houses in Phoenix, El Centro, and San Diego. A government-to-government consultation meeting between the BLM and the Quechan Tribal Council was held in April, 2012, and included discussions regarding the development of the final EIS and the proposed revised RAMP.

Native American tribes and interested persons will continue to be consulted, and consultation will continue through plan implementation. Native American tribal governments and organizations contacted are listed below.

- Barona Band of Mission Indians

- Campo Band of Mission Indians
- Chemehuevi Reservation
- Cocopah Indian Tribe
- Colorado River Indian Tribes
- Ewiiapaayp Band of Kumeyaay Indians
- Fort Yuma Quechan Tribe
- Jamul Indian Village
- Kwaaymii Laguna Band of Mission Indians
- La Posta Band of Kumeyaay Indians
- Manzanita Band of Mission Indians
- Mesa Grande Band of Mission Indians
- San Pasqual Band of Diegueno Indians
- Santa Ysabel Band of Diegueno Indians
- Sycuan Band of Kumeyaay Nation
- Torres–Martinez Desert Cahuilla Indians
- Viejas Band of Kumeyaay Indians

5.2.2 State Historic Preservation Officer Consultation

The BLM initiated formal consultation with the SHPO by letter in November 2008. BLM initiated consultation in accordance with the Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding the manner in which BLM will meet its responsibilities under the NHPA (1997) and the Protocol Agreement between the California State Director of the BLM and the California SHPO (1998). Consultation regarding historic properties that might be affected by the RAMP is ongoing. Consultation regarding historic properties that might be affected by this RAMP will continue, and final determinations and findings for the RAMP will be completed and reflected in the ROD.

5.2.3 U.S. Fish and Wildlife Service Consultation

As a part of this planning effort and in implementing on-the-ground activities, BLM consults with the USFWS under Section 7 of the ESA (Interagency Consultation). In 2001, BLM and USFWS finalized a consultation agreement to establish an effective and cooperative ESA Section 7 consultation process. The agreement defines the process, products, actions, schedule, and expectations of BLM and USFWS on project consultation. The BLM has prepared a Biological Assessment to determine the effect of the Proposed RAMP/CDCA Plan Amendment on all relevant listed, proposed, and candidate species, and associated critical habitat. The Biological Assessment identifies all expected environmental effects, conservation actions, mitigation, and monitoring including analysis of all direct and indirect effects of plan decisions and any interrelated and interdependent actions. The USFWS will issue a Biological Opinion (BO) on the plan, as a result of the consultation process. The BO is the determination of the USFWS on the probability of the proposed action to pose jeopardy to listed species and their habitat. The BO can include conservation recommendations to minimize or avoid possible adverse effects on listed species or their critical habitat. As this plan's decisions are implemented, actions determined through environmental analysis to potentially affect species listed or candidate species for listing under ESA will initiate more site-specific consultation on those actions.

5.2.4 Cooperating Agencies

The cooperating agency role derives from NEPA, which calls on federal, state, and local governments to cooperate with the goal of achieving “productive harmony” between humans and their environment. The CEQ’s regulations implementing NEPA allow federal agencies (as lead agencies) to invite tribal, state, and local governments, as well as other federal agencies, to serve as cooperating agencies in the preparation of environmental impact statements. In 2005, the BLM amended its planning regulations to ensure that it engages its governmental partners consistently and effectively through the cooperating agency relationship whenever land use plans are prepared or revised.

According to 40 CFR 1508.5 (CEQ), a cooperating agency is:

any Federal agency other than a lead agency which has ‘jurisdiction by law’ or ‘special expertise’ with respect to any environmental impact.... A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

The following agencies agreed to be cooperating agencies:

- Imperial County
- U.S. Customs and Border Protection–Border Patrol (Yuma and El Centro sectors)

A Memorandum of Understanding, outlining each agency's roles and responsibilities was completed for each agency. The cooperating agencies were formally invited to participate in the development of the alternatives and to provide existing data on their responsibilities, goals, and mandates. The cooperating agencies were invited to work with the BLM interdisciplinary team in developing the alternatives.

5.2.5 Coordination with Other Agencies

5.2.5.1 Fire Management

The BLM coordinates its fire management activities with the actions of related federal, state, and local agencies responsible for fire management. CAL FIRE and BLM operate under a Cooperative Fire Protection Plan, with CAL FIRE being the primary fire protection agency for BLM lands in the Planning Area. Cooperative Fire Protection Agreements are developed between CAL FIRE and BLM that provide the framework for Annual Operating Plans established with each CAL FIRE Unit. The Planning Area is also covered under the CDCA Fire Management Plan developed in 2004. The Fire Management Plan categorized the Planning Area as the Imperial Sand Dunes Fire Management Unit. Under these plans, CAL FIRE is to consider BLM's resource protection standards to select the least cost/least damaging suppression strategy, while BLM is required to send a resource advisor to work directly with the CAL FIRE incident commander to fully protect, or at least mitigate, resource values.

5.2.5.2 Wetlands

The BLM or project applicant would coordinate with the USACE regarding any future activities within or affecting jurisdictional waters or wetlands; invasive plant removal within jurisdictional wetlands may require a permit if the soil would be disturbed or if heavy equipment would be used. EPA and USACE regulate wetland habitats under the CWA.

5.2.5.3 Department of Defense and Department of Homeland Security

BLM would coordinate with DOD prior to approval of ROWs for renewable energy, utility, and communication facilities to ensure that these facilities would not interfere with military training routes. Additionally, DOD entities in the State of California requested

that the BLM provide them with early notification of proposed renewable energy development on public lands. The objective of this early coordination is to provide an opportunity for the DOD to coordinate and consult with the BLM to inform BLM of DOD's concerns with the proposed renewable energy development project as it may relate to current and future military training missions including: military operating areas, military training routes, air space, and ground access. BLM also coordinates with the Department of Homeland Security USBP on border initiatives and management, as well as the protection of cultural resources.

5.2.5.4 Wildlife Management

The BLM works cooperatively with CDFG. Under California laws, the CDFG is responsible for the preservation and management of fish and wildlife found within the State of California. The BLM is likewise responsible for the management of fish and wildlife habitat on BLM-administered lands. BLM assists CDFG by providing the appropriate agreements or permits for conducting wildlife management activities on BLM lands, as well as assisting with the collection of and sharing of data. BLM law enforcement patrol and enforce game violations on BLM lands.

5.2.5.5 Transportation

Regional transportation planning and construction of roadways and highways is generally conducted by state or regional agencies, such as California Department of Transportation (Caltrans), county departments of transportation, and city transportation departments. When these agencies plan and develop roadways that cross public lands, BLM will coordinate with the responsible agency to develop design features that minimize the fragmenting effect of the planned roadway. BLM will work with the responsible agency to evaluate and incorporate safe and effective wildlife crossings to ensure the long-term viability of species and maintain habitat connectivity. Where planned roadways potentially fragment other resources, such as (but not limited to) recreation routes or trails, or mining operations, BLM will work with the responsible agency to provide continued connectivity for those purposes as well. BLM will also work with the agency to provide continued safe access to public lands from any developed roadway for recreation and other public land users.

5.3 Public Participation

5.3.1 Meetings/Public Opportunity for Input

5.3.1.1 Scoping Meetings

As discussed in Section 1.5—Scoping/Issues, the BLM held three public scoping meetings in April of 2008 and solicited comments. Resource specialists were present to answer questions, and attendees were encouraged to take extra information packages and comment forms, and distribute them to interested individuals that were not able to attend the meetings.

Comments were received from the public, agencies, organizations, and other interested stakeholders. Key issues identified included: designation of open and closed OHV recreation areas; allowable uses within the Planning Area; resource protection, particularly of the microphyll woodlands, plant and wildlife species, and cultural resources; law enforcement and public health and safety; hazardous materials management; and facilities management.

5.3.1.2 DRAMP/DEIS Public Meetings

The formal comment period for the DRAMP/DEIS was from March 26, 2010 to August 9, 2010. The BLM held three public comment meetings in April 2010—one in San Diego, California, one in El Centro, California, and one in Phoenix, Arizona. Resource specialists presented information on the DRAMP/DEIS and took comments from the meeting attendees. The public was also encouraged to submit written comments in addition to or in lieu of their recorded oral comments. Written comments were accepted until the close of the formal comment period.

5.3.2 Publications

A variety of publications have been generated for public information about this planning project. These are discussed briefly below.

5.3.2.1 Notices

The official start of the RAMP/CDCA Plan Amendment and EIS process began with a Notice of Intent to Prepare an Amendment to the CDCA Plan and EIS for the Imperial Sand Dunes Recreation Area published in the *Federal Register* on March 18, 2008.

A Notice of Availability was published in the *Federal Register* on March 26, 2010, announcing a 90-day public comment period for the DRAMP/DEIS. A Notice of

Availability was published to announce the availability of this Proposed RAMP/CDCA Plan Amendment and Final EIS. The BLM will publish a Notice of Availability announcing the availability of the ROD and Approved RAMP/CDCA Amendment.

5.3.2.2 News Releases

A news release was issued on February 14, 2008 announcing BLM's intent to revise the 2003 RAMP due to the publication of the USFWS final rule on PMV critical habitat. A second news release was issued on April 4, 2008 announcing the schedule and locations of public scoping meetings for the RAMP. A third press release was issued on March 26, 2010 announcing the availability of the Draft RAMP/Draft EIS and providing the schedule and locations of the public comment meetings. In addition, a fourth news release issued on June 8, 2010 extended the comment period an additional 45 days from June 24 to August 14.

All news releases were issued via the Internet, provided to local media outlets, and linked to the project Web site at www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs/isdra/dunesinfo/docs/isdramp.html. Any future news releases about the RAMP/CDCA Plan Amendment will be released in a similar manner.

5.4 Comment Analysis Process

The BLM received more than 4,046 comment letters (including public comment forms from public meetings, postal letters, e-mails, and faxes) from individuals, agencies, organizations and groups during the public comment period on the Draft RAMP/Draft EIS. The formal comment period was from March 26, 2010 to August 9, 2010. Comment letters were received from 49 different states (and Washington D.C.), with the majority from California (22 percent). Multiple international comment letters were also received, representing over 30 countries.

5.4.1 Coding and Summary of Comments

Public comment letters resulted in over 1,200 individual substantive comments. To analyze these comments, the BLM followed the USDA Forest Service Content Analysis Team process for comment analysis. This process has been used to analyze hundreds of thousands of comments over numerous EISs, and it is a comprehensive and precise process to catalog and address comments.

The content analysis process provides a systematic method of compiling and categorizing the full range of public viewpoints and concerns. Content analysis is intended to facilitate good decision making by helping the planning team to clarify, adjust, or incorporate technical information in preparing the Proposed RAMP/CDCA Plan

Amendment and Final EIS. In the analysis process, each response (e.g., letter, verbal testimony) was given a unique identifying number, which allowed analysts to link specific comments to original letters. Respondents' names and addresses were then entered into a project-specific database, enabling the creation of a complete mailing list of all respondents. The database is also used to track pertinent demographic information, such as federal, state, tribal, county, and local governments or government associations; business and industry groups; recreational organizations; and preservation, conservation and multiple-use organizations.

When a letter was received, the original was date-stamped and numbered, then retained for the Administrative Record. Two photocopies were made: one for the reader's file (i.e., to be used by the public as needed) and one for a working copy. The copy for the reader's file was scanned. The working copy was logged into the letter log, coded with the comment codes, given a "second read" (see below), entered into the comment database, and then scanned.

The coding process required identification of standalone comments. Three "first reader(s)" read and coded the comment letters. One "second reader" was assigned who verified the accuracy and consistency of the coding. The coded comments were then entered into a Microsoft Access database. The coding included an action code, which included codes related to a range of actions that the commenter was asking (hypothetical example: "Do not identify Parcel X for disposal") and a rationale code, which identified the expressed reason for the comment (e.g., "The land is important to desert tortoise habitat.").

Comments were then organized into a report designed to provide a narrative summary of comments and a comprehensive list of public concerns raised during the comment period. The public concern list identifies specific requests and common themes expressed by individuals and groups. These requests and themes are organized into a condensed format to facilitate the review of public sentiments and identify possible actions. One or more illustrative sample statements accompany each public concern. Sample statements support the public concerns, and may also impart the author's suggestion(s) on how, when, or where the concern should be addressed. Moreover, it should be noted that sample statements are just that—samples. Any given public concern may be supported by only one or as many as several thousands of supporting comments. Only those comments that offer significant variations of a public concern were noted.

It is important for the public and project team members to understand that this process does not treat comments as votes and thus cannot sway decision makers toward the opinion of individuals, groups, or pluralities. Content analysis ensures that every comment is considered with equal merit in the decision process.

Responses to public concerns are provided below. In reviewing the public concerns and responses, readers should note the following:

- To the extent that two or more public concern statements are the same or very similar, the comments are grouped together and addressed in one response.
- For public concern statements that were characterized as applause, no response was prepared.
- For comments which only cast a preference for a particular alternative or proposal with no justification, no response was prepared.
- For public concern statements outside the scope of this EIS, no response was prepared.

The large number of responses received made it impractical to publish every single public concern or comment submitted in this document. Representative public concerns and comments on all major subjects are included in this summary. Redundant material was not included to assist readability and maintaining a manageable size to the Proposed RAMP/CDCA Plan Amendment and Final EIS. A complete list of public concerns, comments, and BLM responses is available from the BLM by request.

The public concern statements that follow are grouped by general subject. Choice was necessary in placing some statements into groups. Therefore, the reader is encouraged to review all the groupings to fully understand public concerns on particular subjects. It should be noted that the public concern statements that follow are a representative summary only and do not represent all public concerns or all public comments submitted. The broad categories are listed below in the order of the issues identified by the public for this Proposed RAMP/CDCA Plan Amendment and Final EIS.

Many of the public comments received during public review of the DRAMP/DEIS were form letters, which usually lacked specific comments on specific decisions. Forms letters with the same content were treated as one comment. All comment letters received were read, analyzed, and considered at each of the planning stages. The information provided by the public helped in shaping this Proposed RAMP/CDCA Plan Amendment and Final EIS.

Planning Process

Type of Plan Developed

Duration of Land Use Plan Decisions

Objections, Appeals, Litigation

Decision Rationale

Use of Best Available Science

Decisions not Supported by Data
Adequacy of Information
Adequacy of Analysis
Lack of Technical Support
Clarity of Information
Consistency with Other Plans
Plan Authority
Plan Implementation
Coordination and Consultation with Other Agencies/Groups
Consistency with Other Actions/Agencies
Consistency with Federal Laws
Influences on the Decision-making Process
Decision-making Philosophy
Multiple-use Management Emphasis
Public Meetings/Hearings
Funding, General
Funding to Implement Proposed Action
Fees
Commercial Vendors/Contractors

Alternatives/Options

Range of Alternatives
Alternative 3
Suggestion for New Alternatives
Document(s) General (NOI, DEIS, Plan)
Scope, Issues that Should/Should Not be Addressed
Need for an EIS

Natural Resources Management

Monitoring, Inventories, Mapping, GIS
Cumulative Effects
Special Status Plants – State
Mojave Desert Tortoise
Flat-tailed Horned Lizard
Federally Listed Species – Plants
Biological Elements General
Wildlife/Animals Management
Insects
Special Status Wildlife – General
Wildlife Habitat Management – General
Firewood Collection

Noxious and Invasive Plants
Heritage Management
Air Quality Management
Water/Watershed Management
Soils Management

Access and Transportation Management

OHV Closures in Planning Area
Transportation System Management
Access to Public Lands (Legal or Physical)
Route Maintenance

Recreation Management

Campgrounds
Signage and Mapping
Developed Recreation/Recreation Facilities
Dispersed Camping
User Fees
User Education, Research – General/Multiple

Lands and Realty Management

Renewable Energy – Geothermal, Solar, and Wind
Public Land Ownership/Boundaries
Communications Sites and Facilities
Land Actions or Tenure
Acquisitions

Special Area Designations

Wilderness
Areas of Critical Environmental Concern – General
Areas of Critical Environmental Concern – East Mesa

Social and Economics

Social/Economic, General
Social/Economic Analysis
On-site Vendors
Public Health and Safety

Plan Specific Codes

CDCA Plan

5.4.2 Response to Public Comments

5.4.2.1 Planning Process

Subconcern: Type of Plan Developed

Comment 828: *The Desert Protective Council believes that this Management Plan for the dunes should actually be a draft Resource Management Plan and consideration of appropriate motorized and non-motorized recreation, hunting, industrial development, concession leasing and transportation corridors should be appraised in relation to protecting our natural and cultural heritage in the dunes.*

Response: Sections 202 and 601 of FLPMA require BLM to develop a comprehensive long-range land use plan for the management, use, development, and protection of the public lands within the CDCA. The resulting plan is the CDCA Plan. The planning area for the ISD RAMP is included within the CDCA Plan. Thus, the CDCA Plan, as amended, is the land use plan (or resource management plan) for the ISD. The CDCA Plan would be amended by the Proposed RAMP, if approved. The RAMP is intended to focus on management issues and concerns that are not adequately addressed in a specific manner in the CDCA Plan, as amended. The RAMP is a site-specific plan to consider options for the management of the specific resources of the area, with an emphasis on the management of recreation. The Proposed RAMP/CDCA Plan Amendment and Final EIS was developed as a plan-level document, as described in Section 1.7—Planning Process. The Proposed RAMP/CDCA Plan Amendment and Final EIS was developed using Appendix C of the BLM Land Use Planning Handbook (H-1601-1) to develop a land use plan that provides comprehensive management for recreational opportunities, while considering all resource values and while allowing continued use of the land and protection of its values. The goal for BLM is to make site-specific-level decisions that sustain the health, diversity, and productivity of BLM-administered public lands for use and enjoyment of present and future generations. Since this document has a focus on recreation, a RAMP, including amendments to the CDCA Plan, it was the proper type of a document rather than a RMP.

Subconcern: Duration of Land Use Plan Decisions

Comment 521: *I would like to have you somehow make the new RAMP more flexible. I've heard that most of the new RAMP will be cast in concrete for up to 15 years. I think doing this would cause unimaginable problems. So, I would allow changes every two or three years, depending upon the strength of public out-cry.*

Comment 580: *[W]hatever plan is determined I would like to know what kind of guarantees we're going to have as users that they're not going to come back and change it, especially within regards to the renewable energy and designated areas that are considered, you know, like Pierson's Milkvetch, those things tend to grow over time.*

Comment 1176: *[W]hat would it take to make a RAMP that would be of sort of permanent status or up for review in 20 or 30 years. I would really hate to loose [sic] any more land available for recreation, after all isn't the big picture trying to keep land accessible to everyone?*

Response: FLPMA provides guidance on the duration of plans in Sec. 202. [43 USC 1712] (a): "The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands." The BLM planning process ensures that land use plans and implementation decisions remain consistent with applicable laws, regulations, orders, and policies. This process involves public participation, assessment, decision making, implementation, plan monitoring, and evaluation. This process allows for continuous modifications to respond to new issues and changed circumstances. Decisions may be modified, through the planning and public participation process, as the BLM acquires new information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns.

Subconcern: Objections, Appeals, Litigation

Comment 643: *You mentioned the appeal process, what is it going to take to appeal this if the eight does pass? I mean, do we need to go around -- is there a petition that we need to sign?*

Response: Within the BLM planning process there are two types of decisions: protestable and appealable. Land use plan decisions may be protested and decisions related to the implementation of the plan may be appealed. The Proposed RAMP/CDCA Plan Amendment and Final EIS has been revised to more clearly identify the decisions that are appealable and the decisions that are protestable (see Section 1.7.1). Protests and appeals, if filed, are reviewed for compliance with processes and procedures. Petitions would not change the outcome of the appeal process.

Subconcern: Decision Rationale

Comment 1008: *The document fails to explain how the different features of each alternative reduce impacts or otherwise provide benefits to natural resources, recreation, or some other important interest. As a result, it is difficult to discern the rationale behind BLM's decision to propose these alternatives in their current form. Likewise, the distinctions among the alternatives often appear arbitrary.*

Response: The analysis in Chapter 4.0 has been refined to more clearly state the differences in impacts between the alternatives in the Proposed RAMP/CDCA Plan Amendment and Final EIS. The description of the alternatives also states the intent of the alternative in the Proposed RAMP/CDCA Plan Amendment and Final EIS. The alternatives were developed with considerable public participation and include a reasonable range of alternatives reflecting the range of management requests expressed during the scoping period. Rationale for all decisions BLM makes will be included in the Record of the Decision in accordance with CEQ regulations and the BLM NEPA Handbook H-1790-1.

Subconcern: Use of the Best Available Science

Comment 698: *[A]re you required by the ESA to close all that critical habitat that was identified by U. S. Fish and Wildlife.*

Comment 860: *There is no Environmental Species Act (ESA) [sic] requirement to close areas that the FWS has designated as CH for the PMV. Therefore, the RAMP/EIS must provide a rationale for closing all PMV CH to recreational use. That is, BLM must explain why the closures are necessary to the conservation and recovery of the species.*

Comment 1010: *The document provides inadequate technical support for those alternatives that call for elimination of all OHV use in designated PMV critical habitat. The plant survey data, some of it generated prior to the interim closures implemented in November 2000, all show that PMV populations in each of the critical habitat units outside the Wilderness Area have persisted despite decades of OHV use in these same units. Indeed, each of BLM plant studies from 1998 to 2006 concluded that OHV travel patterns largely do not intersect with PMV colonies. The RAMP/EIS neither discloses these data nor uses them to build a land use management strategy for the ISDRA.*

Comment 1091: *The Algodones Dunes are home to several threatened and endangered species, including the Peirson's milkvetch (*Astragalus magdalenae* var. *peirsonii*) and the desert tortoise (*Gopherus agassizii*), both of which are federally listed threatened species. In addition, the flat-tailed horned lizard (*Phrynosoma mcallii*) is proposed for Endangered Species Act protection and also inhabits the Dunes (and additional areas adjacent to the Algodones dunes). These species need to be avoided to the greatest extent possible, and where that is not possible, impacts need to be minimized and mitigated. Unfortunately, the proposed alternatives do not achieve this goal...*

Comment 1111: *The Draft RAMP lacks solid documentation and support for closure of areas outside the designated critical habitat particularly since BLM has not offered any explanation as to why PMV appears to do well in areas open to OHV recreation. We recommend the plan call for more thorough studies of PMV population trends be completed in order to evaluate the effects of rainfall and vehicular disturbance on the*

population, and that subsequent management actions be based on information developed in such studies.

Response: Critical habitat for PMV was designated by the USFWS in accordance with the Endangered Species Act, based upon the best available information related to the presence and primary constituent elements of the PMV habitat. When determining which areas within the geographical area are occupied at the time of designating critical habitat, the USFWS considers the physical or biological features essential to the conservation of the species based on its biological needs. The physical and biological elements are the primary constituent elements that are laid out in the appropriate quantity and spatial arrangement for the conservation of the species.

Section 7 of the ESA requires that federal agencies (such as BLM) ensure that any action funded, authorized, or carried out by such agency is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat. This section of the ESA also requires consultation with the USFWS on discretionary federal actions that may affect critical habitat. BLM is legally obligated to protect and promote recovery of federally listed species in their natural habitat. BLM analyzed a reasonable range of alternatives to address this issue. The range of alternatives covers a range of acreage that is open and closed to OHV recreation, which could result in the improved conservation of several species.

The BLM has had ongoing consultation with the USFWS related to the PMV and developed management actions that will best meet the FLPMA multiple use and sustained yield mandate for public lands as well as the ESA obligation to protect federally listed species in their natural habitat. See Section 2.3.8—Special Status Species Management of the Proposed RAMP/CDCA Plan Amendment and Final EIS for additional information on BLM's mandates regarding the ESA and other laws, regulations, and policies related to the management of special status species.

The current closures, in place since 2000, were not part of a planning effort but part of a negotiated lawsuit settlement. Alternatives 3 through 8 were developed based upon the best available scientific information.

Subconcern: Decisions not Supported by the Data

Comment 778: *I would fully support a management plan that used sound science to base decisions upon. It has become quite clear to me, the Bureau of Land management (BLM) has consistently chosen biased and often incomplete studies to back closures in the ISDRA. They have reached 'conclusions' from these studies for such things as recovery of the Pierson's Milk Vetch (PMV) without having enough information to even begin outlining what would determine the recovery as an actual success. They have also*

ignored numerous studies sponsored by and sent by the American Sand Association (ASA) regarding PMV.

Comment 846: *The DRAMP has serious deficiencies. Specifically numerous proposed actions and recommendations are not [s]upported by data germane to the proposal.*

Comment 1219: *I have attached information conducted by an author Dr. Phillips, BLM studies too that pertain to the study of PMV in and open OHV area. This study, which is peer reviews is sound and is a real indication of what is really happening in the ISDRA in regards to PMV growth. This data should be considered by the BLM land use policy makers in opening much of the closed CH to OHV at this point.*

Response: The primary purpose of releasing a draft version of the RAMP/EIS was to provide opportunities for public and agency feedback in order to make any necessary improvements to the Proposed RAMP/CDCA Plan Amendment and Final EIS. It is the practice of the BLM to use the best available information for planning purposes. This may include both peer-reviewed and non-peer-reviewed data. Information gathered within the BLM and from other sources is used as appropriate. In response to several public comments, the BLM reviewed the referenced reports. These studies were also reviewed by BLM prior to issuing the DRAMP/DEIS. In addition, the studies were a source of data in the planning process.

The Proposed RAMP/CDCA Plan Amendment and Final EIS includes information from these studies in Section 3.8.1.1.3—Distribution and Occurrence [of PMV] within the Planning Area.

Subconcern: Adequacy of Information

Comment 442: *[T]he bird study (Appendix "O") referenced in this section should not be included in this document or used as a basis for determining the suitability of restrictions of recreation opportunities due to the poor quality of the data used in this study. The authors mention in many places that they are suspect of the data quality and the methods used to collect this data. Therefore I would not characterize this as "New Information" and this study should be removed from the final ISD RAMP.*

Comment 852: *The camping closure on the east side in the microphyll woodland habitat is not supported by any evidence that historical camping has damaged the habitat or otherwise affected species that reside in this habitat. Appendix "O" regarding bird populations provides no conclusive evidence in support of a camping closure.*

Comment 1245: *Appendix "O" regarding bird populations provides no conclusive evidence in support of a camping closure. Even if it did, balanced use is not achieved by closing 100% of microphyll woodlands. The PRBO study quoted in appendix "O" states that best quality woodlands exist in the wilderness area across Hwy 78. The study*

indicates that increased bird numbers in closed areas may be due to it being the best quality habitat. The study admits its own flaws and recommends further studies and data gathering. Microphyll woodlands do not compose all of proposed closure. The microphyll woodlands are farther from wash road as the wash numbers increase to the Southeast – thousands of acres of non-microphyll woodlands are able to support.

Response: Throughout the planning process, BLM has used the best available data to determine management actions appropriate for the Planning Area. Information related to the microphyll woodlands was based on several resources, including BLM staff knowledge of the resources within the woodlands, as well as historical uses of the area, and other literature. The PRBO study was only one of the resources used in the planning process. Literature use in the Proposed RAMP/CDCA Plan Amendment and Final EIS is based on individual merit and applicability, and may include both peer reviewed and non-peer reviewed data. Information gathered within the BLM and from other sources is used as appropriate. Alternatives 1, 7, and 8 allow for OHV use in the microphyll woodlands. Alternative 8 only restricts vehicle camping. The boundary of the vehicle camping closure for the microphyll woodlands has been modified for Alternative 8 to prevent displacement of campers or overcrowding of other areas. The impacts analysis has been refined to provide better clarity (see Section 4.5 of this document). See also response to comment #869.

Subconcern: Adequacy of Analysis

Comment 637: *[W]hen are we going to start using actual fact instead of tailored science and litigation to decide the fact -- decide the fate of the Imperial Sand Dunes and any off-road area that we have and public land use.*

Comment 853: *This draft document does not include all the available documentation on the status of the *Astragalus magdalenae* var. *peirsonii* (PMV). All the available scientific documents about the PMV should be included in this Draft Recreation Management Plan (DRAMP), as the primary restrictions on recreation proposed in this document is based on the presence of the PMV in the recreation area. Therefore ALL pertinent information that has been published on the PMV must be included to allow the public to make an informed decision on the validity of the claims and on Bureau of Land Management's (BLM) proposed restrictions on recreation.*

Response: As part of the planning process, BLM seeks public input through scoping and the 90-day public comment period after the release of the DRAMP/DEIS. This 90-day period was extended an additional 45 days to allow additional time for public comment. After the public comment period, BLM analyzes comments. The comment analysis process provides valuable information to consider in the revision process. BLM has included additional information on PMV that was submitted by the public during the review period. Please see Section 3.8.1.1.3 in the Proposed RAMP/CDCA Plan Amendment and Final EIS for this newly added information. The analysis in Chapter 4.0

is based on the facts and studies provided in Chapter 3.0. See also response to comment #778.

Subconcern: Lack of Technical Support

Comment 871: *Appendix D (Precipitation Monitoring). Nowhere...does the document explain the significance of the 1.82 inch rain threshold in terms of PMV germination or reproductive success. Likewise, the document does not explain why a camping closure, if imposed once the 1.82 rain threshold is met, will aid in the conservation and/or recovery of the PMV. Without such explanations, and without supporting technical data, the proposed rain threshold and attendant camping closure are completely arbitrary.*

Comment 1013: *Alternative 8 also calls for the closure of camping areas within Duneflats when rainfall in the dunes reaches a certain threshold (1.82 inches between October 1 and December 31). According to the RAMP/EIS, this "adaptive" strategy will benefit PMV reproduction which is strongly dependent on precipitation. The problem, however, is that there is no evidence that camping in Duneflats during "high rainfall years" has affected, or will affect, PMV reproductive success in Duneflats, the adjacent Ogilby Management Area, or in any other critical habitat unit of the ISDRA.*

Comment 1158: *Appendix D: Precipitation Monitoring. There is no explanation for the rainfall threshold. Without some data explaining the reasoning behind this, the threshold and associated camping closures are arbitrary and should be removed from consideration.*

Comment 1163: *I feel that there is lack of technical support for Alternative 8 camping closure in Duneflats. Alternative 8 also calls for the closure of camping areas within Duneflats when rainfall in the dunes reaches a certain threshold (1.82 inches between October 1 and December 31). According to the RAMP/EIS, this "adaptive" strategy will benefit PMV reproduction which is strongly dependent on precipitation. The problem, however, is that there is no evidence that camping in Duneflats during "high rainfall years" has affected, or will affect, PMV reproductive success in Duneflats, the adjacent Ogilby Management Area, or in any other critical habitat unit of the ISDRA.*

Response: Based on public comments, additional review of the data, and consultation with the USFWS, the BLM has modified Alternative 8 to allow camping in the Duneflats area. Critical habitat for PMV would remain closed to vehicle use under Alternative 8.

Subconcern: Clarity of Information

Comment 1007: *It is unclear from the text whether and by what method BLM checked each of the action alternatives against the "minimization" criteria set forth in 43 CFR § 8342.1. If these minimization criteria do not apply to all or some portion of the ISDRA, this fact should be stated clearly in the RAMP/EIS.*

Comment 1105: *Center for Biological Diversity v. BLM, 2009 U.S. Dist. LEXIS 90016 (N.D. Cal. September 28, 2009) (finding that the WEMO Plan was deficient under the Federal Land Policy Management Act ("FLPMA") in failing to address the minimization requirements for route designations, and that the FEIS unlawfully failed to analyze specific impacts from the WEMO Plan on soils, cultural resources, "Unusual plant assemblages" (UPAs), water and riparian resources, and the Mojave fringe-toed lizard, as required by NEPA). The EIS fails to consider ways to minimize impacts both from authorized use and from unauthorized use that is likely to occur in these areas.*

Response: For any routes that are designated as open in any alternative in the Proposed RAMP/CDCA Plan Amendment and Final EIS, a complete analysis of the minimization criteria was completed and is included in Section 2.3.16—Transportation and Public Access. Additionally, the SRMA was analyzed in Sections 4.13 and 4.15, and the "minimization criteria" from 43 CFR 8342 have been included in Section 3.16.1—Motorized Vehicle Access.

Subconcern: Consistency with other Plans

Comment 464: *Page 3-107 Section 3.14.3 Special Recreation Permits. The requirement for each vehicle that enters the recreation area to have an Individual Special Recreation Permit (ISRP) is not a valid requirement under the Federal Lands Recreation Enhancement Act (FLREA). 16 USC 6802 (e) (2) prohibits the BLM from charging an entrance fee on any BLM managed lands. By requiring every vehicle that enters the recreation area to pay a fee for entrance, even for casual visitation, is not permitted by the FLREA. Please reference the FLREA section that allows the BLM to charge every vehicle that enters the recreation area an entrance fee. Furthermore the area in the NECO area that overlaps the planning area does not require a FLREA ISRP for recreation in the NECO area if the visitor is not using the ISD for motorized recreation.*

Comment 864: *Page 1-3 Section 1.2. Per this section a permit and a permit fee is required for the entire planning area, including the NECO ERMA. As there is no legal OHV access from this ERMA to the ISD "Special Recreation Management Plan" (SMRA), please explain how a fee can be charged for access to the ISD SRMA.*

Comment 1201: *If the "Extensive Recreation Management Area" (ERMA) around the ISDRA is governed by the "Northern and Eastern Colorado Desert Coordinated*

Management Plan" (NECO), which route designation will hold sway, the NECO designation or the one proposed in the DRAMP?

Response: The NECO Plan area overlaps the ISD Planning Area along the eastern portion between the SRMA boundary and the Planning Area boundary. The WECO Plan area overlaps the ISD Planning Area along the western portion between the SRMA boundary and the Planning Area boundary. As detailed in the Proposed RAMP/CDCA Plan Amendment and Final EIS, Section 1.7.2—Relationship to Policies, Plans, and Programs—when approved, the ISD RAMP will replace the NECO and WECO plan decisions in the overlap areas.

A Special Recreation Permit (not an entrance fee) is required for recreating within the Planning Area. Exemptions that are required under FLREA are in place and honored. Changes have been made to the text to clarify the permit fee area (see Section 1.4—Planning Area).

Subconcern: Plan Authority

Comment 459: *Page 2-67 Management Actions Common to All alternatives. In Bullet 10 you state to "Prohibit the burning of wood with non-combustible items (pallets)". While this is desirable rule or action this item needs to address all the items contained in the proposed supplementary rules that are currently working their way through the BLM system. This rule is not currently available for enforcement until the supplementary rule has been noticed in the federal register. If this RAMP can in fact designate rules that override or replace existing supplementary rules than the other aspects of the proposed supplemental rule needs to be included in this document. If the proposed supplementary rules take precedence over this document then this requirement should be removed from this document.*

Response: Once the RAMP and ROD are approved, the new supplementary rules consistent with the ROD will be published in the *Federal Register*, as needed. The current supplementary rules will remain in place until that time. Supplementary rules cannot be proposed in the *Federal Register* until the NEPA process has been completed for the proposed rule.

Subconcern: Plan Implementation

Comment 1068: *We also have concern relating to the enforcement of BLM's responsibilities to biological resources. If ORVs are causing or will cause "considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, "BLM is to immediately close an affected area until those adverse effects are eliminated and measures to prevent their recurrence are instituted. 43 CFR 8341.2. BLM acknowledges this responsibility and its use in the Draft*

RAMP/EIS (at 1-12), yet gives no sign of how it will monitor adverse effects, institute temporary closures, or otherwise fulfill these obligations throughout the planning area.

Response: The BLM will continue to monitor impacts to resources and apply the provisions under 43 CFR 8341.2 as applicable to each resource area. The BLM is mandated through FLPMA to manage public lands for wilderness, conservation of species and habitats, as well as recreational and other resource uses. Management of the ISD, including implementation, monitoring, and evaluation of plan elements, are approved in the ROD for the plan. The text has been updated and a wilderness suitability review has been included (see Section 2.3.13.2—Lands with Wilderness Characteristics).

Subconcern: Coordination and Consultation with other Agencies/Groups

Comment 638: *What would it take for ASA to be one of those [participating] agencies?*

Response: Coordination on land use plans, as required by FLPMA, involves on-going communication between BLM managers and state, local, and Tribal governments. Cooperation (with cooperating agencies) is the process by which another government entity (federal, state, local, or Tribal) works with BLM to develop a land use plan and NEPA analysis, as defined by the lead and cooperating agency provisions of the CEQ's NEPA regulations (40 CFR 1501.5 and 1501.6). Collaboration is a process in which interested parties work together to seek solutions with broad support for managing public and other lands. BLM has collaborated with a variety of groups, including the American Sand Association (ASA), and works cooperatively with many partners. ASA could not become a cooperating agency as it is not a government entity.

Comment 403: *An encroachment permit shall be secured from the Department of Public Works for any and all new, altered, or unauthorized existing driveway(s) to access the properties through surrounding roads.*

Response: BLM is not currently seeking any new, altered, or unauthorized existing driveways to access the properties via surrounding County roads under any of the proposed alternatives. Since this is a planning document, this type of implementation level decision is not covered. If an encroachment permit is required in the future, BLM would coordinate with the Imperial County Department of Public Works.

Comment 653: *Over those years I've noticed that there seems to be somewhat of a disconnect with BLM and Fish and Wildlife... With respect to Alternative 8 or any other alternative, have you run this by Fish and Wildlife and have you gotten their approval on this as well, because I can guarantee there will be a challenge on this RAMP and any RAMP in the future. And if you are front of the judge with the Fish and Wildlife not*

supporting your position, we'll be back here again and spending a lot of money to do this.

Response: As detailed in Section 5.3.1 of this chapter, as part of the planning effort and in implementing on-the-ground activities, BLM executes ESA Section 7 consultation with the USFWS. In 2001, BLM and USFWS finalized a consultation agreement to establish an effective and cooperative ESA Section 7 consultation process. The agreement defines the process, products, actions, schedule, and expectations of BLM and USFWS on project consultations. BLM will continue to collaborate and consult with the USFWS on all alternatives and continue to meet on a regular basis to discuss any issues in order to maintain the good working relationship already established between the agencies. The USFWS will prepare a BO on the Proposed RAMP/CDCA Plan Amendment and Final EIS.

Subconcern: Consistency with Other Actions/Agencies

Comment 545: *The EIS should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC [Department of Toxic Substances Control] would require an oversight agreement in order to review such documents.*

Comment 546: *Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIS.*

Response: BLM discusses how hazardous materials found in the Planning Area will be handled in Section 2.3.18.4—Hazardous Materials. In the event that hazardous materials are found within the Planning Area, the appropriate environmental site assessment would be conducted. Appendix P of the Proposed RAMP/CDCA Plan Amendment and Final EIS provides results from several environmental databases reviewed for the Planning Area.

Subconcern: Consistency with Federal Laws

Comment 817: *I believe this draft RAMP is professionally unacceptable, is in violation of BLM planning regulations, and not legally sufficient in terms of Administrative Procedures Act and the National Environmental Policy Act.*

Comment 1029: *Managing the rare resources on the Algodones Dunes is required under Federal Land Policy and Management Act, the Endangered Species Act, the Sikes Act, the California Endangered Species Act, the National Historic Preservation Act, the National Natural Landmarks Program, the Clean Air Act, Presidential Executive Order 13007, and Presidential Executive Order 12898, Presidential Executive Order 11644, Presidential Executive Order 11989, and applicable Bureau of Land Management policy, handbook codes, and regulations. Unfortunately, the Draft RAMP/EIS is grossly inadequate in proposing alternatives that truly meet the requirements of these laws and statutes.*

Response: The BLM will continue to fulfill its obligations under FLPMA, ESA, NHPA, and all other applicable federal laws and regulations. BLM must comply with the mandate and intent of all federal laws (and any applicable regulations) and EOs that apply to BLM-administered lands and resources (Appendix B). The BLM will also coordinate with the State of California and Imperial County to ensure consistency between federal and state laws, such as the California Endangered Species Act.

Without specific details, BLM is unable to address the commenters' concerns for any of the regulations quoted.

Subconcern: Influences on the Decision-making Process

Comment 522: *I would like for you to do your best to keep politics out of RAMP and ISDRA decisions. The ISDRA is just that—a recreation area—and one where the majority plays in or on off-road machines. So, please listen hardest to comments from this majority.*

Comment 587: *I challenge this committee to pursue a democratic decision process by responding to the majority that is before you today.*

Comment 1223: *I ask of you to stand up to the oil, gas, and OTV/ATV lobbyists and protect the Algodones Dunes.*

Response: BLM uses an ongoing planning process to ensure that land use plan decisions remain consistent with applicable laws, regulations, orders, and policies. This decision-making process is conducted in accordance with the BLM mission statement and involves public participation. During public participation, BLM considers all comments, weighed equally, whether they are from groups, individuals, corporations, or agencies.

BLM's land use planning is guided by FLPMA, which requires that public lands be managed for multiple use. FLPMA's multiple use mandate is defined as:

- The management of the public lands and their various resource values so that they are used in the combination that will best meet the present and future needs of the American people;
- Making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;
- The use of some land for less than all of the resources;
- A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values;
- And harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

Comment 338: *It almost appears that the main criteria of the RAMP is to close a fixed amount of acreage rather than do what the plan is meant to do which is to protect the plant.*

Comment 1150: *Is all this about closures and restrictions at Glamis dunes political or does the government just hate OHV families?*

Response: Each alternative is essentially a recreation area management plan that would provide a framework for multiple use and sustained yield management of the full spectrum of resources, resource uses, and programs present in the ISD Planning Area. Each alternative allows a different acreage to be managed as open or closed to OHV recreation. Under all alternatives, the BLM provides for the proper care and management of the resources in accordance with all applicable laws, regulations, and BLM policy and guidance.

FLPMA requires that BLM adopt a balanced approach to managing public lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use” (FLPMA Sec 102 [a][8]).

Under the CDPA (43 USC 1781 Sec 601[a][4]): “the use of all California desert resources can and should be provided for in a multiple use and sustained yield

management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles.” FLPMA requires BLM to use a balanced approach to meeting resource needs and resource uses.

Subconcern: Decision-making Philosophy

Comment 826: *The vision statement mentions, “aiding in the recovery of listed species.” The DPC encourages the BLM to include in your vision protection of the entire suite of Algodones dunes ecosystem plants...*

Response: The complete overall vision states: The vision of the BLM in constructing this Proposed RAMP/CDCA Plan Amendment and Final EIS is to manage BLM-administered lands comprehensively to accomplish needs for all resource uses, while acting as stewards of the land and its valuable resources. The BLM will strive to provide a world-class recreational experience, while aiding in the recovery of listed species. The BLM sustains the health, diversity, and productivity of public lands for use and enjoyment of present and future generations. The BLM has considered the public’s needs and stakeholder values in the management programs of resources in the Proposed RAMP/CDCA Plan Amendment and Final EIS. The vision does include acting as stewards of the entire ecosystem by being stewards of the resources in the Planning Area.

Subconcern: Multiple-use Management Emphasis

Comment 777: *A careful balance must be struck between preserving the land and wildlife with a management plan that allows visitors to recreate in, experience and enjoy the land.*

Comment 824: *In considering your final preferred alternative from which to develop a management strategy for this vast, unique sand dune ecosystem, the Desert Protective Council believes that the Bureau of Land Management’s priority should be protection and preservation of the features and resources for which the Dunes were designated a National Natural [Landmark]...*

Response: BLM seeks balance in all uses according to our mission statement, “It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of the present and future generations.” FLPMA mandates multiple use and sustained yield of public lands. The multiple use concept requires that public lands and their resource values are managed in a way that best meets the present and future needs of the people. Multiple use involves a combination of balanced and diverse resource uses that take into account the long term needs of future generations for renewable and nonrenewable resources. BLM will

manage the ISD for resource conservation and for meeting the current and future recreational use needs.

A discussion of the National Natural Landmark status and potential impacts is provided in Sections 3.13—Special Designations and 4.12—Impacts on Special Designations. See also response to comment #1180.

Comment 827: *We support the BLM in considering the public's "needs and stakeholder values" and in providing for appropriate recreation at the Algodones Dunes, but we believe that the public should include visitors from all over the United States and from other countries as well as people from southern California and Arizona who want to use the dunes for driving their off-road vehicles (ORVs). Off-road vehicle use is by its nature a consumptive, polluting and damaging use of a fragile ecosystem. Where intensive ORV activity is taking place, all other users are effectively driven out of the area and resources are adversely impacted. Resource impacts are commented upon in documents submitted on this draft management plan by Thomas Olsen and Associates and Arthur Philips.*

Response: The ISD is open to all publics, including local, regional, national, and international visitors. A variety of recreational uses are available, including OHV, hiking, camping, bird watching, photography, and wilderness experience, among a few. FLPMA mandates multiple use and sustained yield of public lands. The multiple use concept requires that public lands and their resource values are managed in a way that best meets the present and future needs of the people. Multiple use involves a combination of balanced and diverse resource uses that take into account the long term needs of future generations for renewable and nonrenewable resources. BLM will manage the ISD for resource conservation and for meeting the current and future recreational use needs.

Under the CDPA (43 USC 1781 Sec 601[a][4]):

the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plant to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles.

Subconcern: Public Meetings/Hearings

Comment 613: *I went on the website today and looked up the calendar of events and there's nothing on there regarding this event. I did ultimately find it going kind of roundabout, if you go on the BLM's website, go to California, and then calendar of events, it's not on there and neither is the El Centro meeting. That's something you might my want to look at because I know there are a lot of people that were not aware of the meeting.*

Response: BLM posted the public meeting information on the Imperial Sand Dunes, Planning and Documents tab. The news release for the public meetings was posted on March 26, 2010. The site also contains links to the DRAMP/DEIS. BLM will continue to post news releases, newsletters, and documents to this site. The public may also contact the El Centro Field Office by phone or email to obtain information about the planning process. In addition, a news release issued on June 8, 2010 extended the comment period an additional 45 days from June 24 to August 14. The public can join mailing lists for any projects of interest by contacting the local BLM office.

Comment 672: *I think it's indicative of your lack of consideration for the local folks that you don't even schedule this meeting for Yuma. That indicates to me that, you know, what's going on with the local folks isn't being considered enough. . . . I hope you will consider, also, having one of these meetings in Yuma.*

Comment 935: *The BLM did not make available the opportunity for public meetings where comments could be made about this plan in the Los Angeles and Inland Empire areas. That is the area that our club members reside. This omission seems to have prevented a large segment of the dune visitors from participating in the scoping and informational meetings associated with the preparation and commenting on this DRAMP/EIS. We would like to see future meetings happen in our areas.*

Response: The BLM will consider holding additional public meetings in the Los Angeles and Yuma areas for future planning efforts. Public meetings were held in San Diego on April 13, El Centro on April 14, and in Phoenix on April 15, 2010. In addition, a news release issued on June 8, 2010 extended the comment period an additional 45 days from June 24 to August 9. The public can join mailing lists for any projects of interest by contacting the local BLM office.

Subconcern: Funding, General

Comment 636: *[H]ow much does it cost to rent this facility out today? I believe there's better ways to spend money. Do it in a public place. You don't need to spend the money to rent out this hotel. Spend the money on something we can all benefit from.*

Response: As required by NEPA, BLM must make a diligent effort to involve the public in the NEPA process, including holding of public meetings for interested members of the public. Public meetings are held in public buildings (such as libraries, city hall meeting rooms, and community center meeting rooms) whenever possible. When a large number of interested parties is anticipated, however, larger venues such as hotel conference rooms are required.

Subconcern: Funding to Implement Proposed Action

Comment 703: *[O]n page 9 for that closure says that you will do all those things that you mentioned if funds are available. If you are going to use it for mitigation, shouldn't you have them in place at the same time you propose closing Dune Buggy Flats. I make that a recommendation that that should be in place, if that is the situation.*

Response: Funding for operations and maintenance of the ISD is limited and is appropriated on an annual basis. Annual costs of managing the recreation area may exceed available funds and limit the ability to implement some mitigation measures. As part of the approved RAMP, all management actions, including measures outlined to mitigate impacts, would continue to be implemented on an annual basis as funding allows.

Subconcern: Fees

Comment 603: *[Y]ou are going to be raising the price on the areas out there to \$25 a night; is that correct, versus having it be 90 dollars a fee for the year? That's going to be . . . a huge increase for what it's going to cost a family going out there.*

Response: Federal funds allocated to the ISD are expected to decrease while expenses are expected to increase over time. BLM will address the financial needs of the ISD through a business plan.

Subconcern: Commercial Vendors/Contractors

Comment 487: *Appendix P Page P-10 Concessions RFD. "The vendor supplies and maintains the automated pay stations, collects the funds, and periodically pays the BLM a percentage of the revenue on a sliding scale based on the gross revenue." This statement is in error as the current fee contractor does not provide automated fee machines. There are no fee machines currently at the ISD.*

Response: Appendix T (Appendix P in the DRAMP) outlines reasonably foreseeable development within the Planning Area. These developments are under consideration; they are not the current condition of the Planning Area.

Comment 468: *Page 3-148 Section 3.18.4.3 On-Site Vendors. The RAMP does not describe the requirements for on-site vending; nor does it address the concerns of the existing vendors which have been expressed to BLM over the last six years and provided to the BLM during the scoping phase of this documents preparation.*

Comment 866: *Page 3-148 Section 3.18.4.3 On-Site Vendors. This section describes the on-site vendor situation as it currently exists. The vendor definitions are those contained in the 2003 RAMP. Appendix C seems to list vending requirements but is described as "Typical Management Actions and Best Management Practices" however*

this seems to be just boiler plate and does not seem to be actual requirements. The RAMP does not describe the requirements for on-site vending; nor does it address the concerns of the existing vendors which have been expressed to BLM over the last six years. Does the RAMP itself regulate on-site vending or do the district managers delegate that regulatory authority, through the RAMP, to the local field office? If the on-site vendor regulations are designated at the local district level, that fact should be disclosed in the RAMP document. On the other hand, if these on-site vendor regulations are designated by the RAMP, as was done in the 2003 RAMP document, then this RAMP should include a more detailed description of those regulations.

Response: Since vending is a discretionary action, vending within the Planning Area will continue to be managed according to 43 CFR 2930 and applicable BLM, state, and county policies and guidelines. The BLM will also prepare a business plan that will address vending and other commercial activities in the Planning Area.

5.4.2.2 Alternatives/Options

Subconcern: Range of Alternatives

Comment 944: *We don't understand the logic in all alternatives regarding PMV critical habitat and energy uses. Shouldn't ALL alternatives be the same for this type of use?*

Comment 1030: *[O]pposes all of the proposed alternatives, including preferred alternative 8 which allows for the greatest amount of off-road vehicle access of any of the alternatives to the unique biological island that is the Algodones Dunes, and the plants and animals that call this island home.*

Comment 1179: *While Alternative 3 does the best job of protecting the natural and cultural resources, none of the alternatives adequately addresses habitat for Pierson's [sic] milkvetch, especially outside the designated Critical Habitat. Likewise, none of the alternatives addresses the carrying capacity of the planning area, either in respect to protecting the natural resources, or with respect to providing for public health and safety. None of the alternatives provide adequate access for non-motorized recreation. Therefore, the range of alternatives is inadequate.*

Response: As presented in the Proposed RAMP/CDCA Plan Amendment and Final EIS Executive Summary, the basic goal of developing alternatives was to consider different combinations of management opportunities to address issues and concerns and to resolve conflicts among uses. Alternatives must meet the purpose and need; must be responsive to the issues; and must meet the established planning criteria. Each alternative is a complete management plan that provides a framework for multiple-use management of the full spectrum of resources (including natural and cultural resources), resource uses, and programs present in the Planning Area. Each alternative was also developed to achieve the goals and objectives as identified in Sections 2.3.1 through

2.3.18. Rationale for all decisions BLM makes will be included in the ROD in accordance with CEQ regulations and the BLM NEPA Handbook H-1790-1.

Alternatives 2 through 8 address PMV habitat at varying levels. Alternatives 3 and 5 protect all of critical habitat plus additional protection of other areas and habitats. Alternatives 4 and 6 provide partial protection of critical habitat and protection of other areas. Alternative 7 provides partial protection of PMV critical habitat. Alternative 8 provides full protection for PMV critical habitat. Although BLM did not discuss carrying capacity in this document, a range of alternatives that provide for a range of conservation of resources is presented. BLM is designating areas that are managed for a wide range of uses.

Comment 443: *Page 2-3 Section 2.2. “Decisions such as route designation and vending area designation are not planning-level decisions, but rather are implementation-level decisions. Individual routes will be designated as motorized, non-motorized, and unavailable.” Please explain this statement. As I understand the vending rules at the ISD, the current restrictions on vendors were put in place through the 2003 RAMP. The conventional wisdom is that these rules cannot be changed by local BLM management because they are part of the 2003 RAMP. Is the statement above changing this assumption to say that now “vendor area designation” will be a local implementation based decision?*

Response: As presented in the Proposed RAMP/CDCA Plan Amendment and Final EIS, Chapter 1, the 1987 ISD RAMP was updated in 2003 to provide a guide for all resource management activities and to establish management actions for the Planning Area. It was designed to provide a variety of sustainable OHV and other recreational activities and to maintain or improve the conditions of the special status species and other unique natural and cultural resources, while creating an environment to promote the health and safety of visitors, employees, and nearby residents.

The ROD for the 2003 ISD RAMP was signed in March 2005. The ROD, the RAMP, its associated Final EIS, and supporting BO were challenged in federal district court. In a 2006 federal court order, the FEIS, ROD, and BO as it relates to PMV were vacated and remanded to the agencies for further consideration. The court also remanded the RAMP to the BLM for further consideration. In its order, the court determined that the BLM was in violation of NEPA for its failure to consider the interim closure alternative as a full alternative and to take a hard look at endemic invertebrate species.

The court further determined that the BLM’s approval of the RAMP based on outdated invertebrate species inventory was arbitrary and capricious. The court ordered the BLM to retain the negotiated closures whose terms had expired. As a result of the court’s vacatur and remand of the 2005 ROD and EIS, and the remand of the 2003 RAMP, the BLM has managed the Planning Area using a compilation of authorizations, including the approved 1987 RAMP; measures implemented pursuant to, but before, the 2003 RAMP

was invalidated; and wilderness designation. By court order, the BLM has retained the interim closures.

See also responses to comments #468 and #1007/1105.

Comment 317: *[W]ith all the proposed energy development any more degradation of the desert eco-systems is a bad idea and my comment is that this is negative.*

Comment 557: *Considering the impacts to sensitive species, including the PMV, the Mojave Desert Tortoise, and migratory birds,...recommends that BLM explain in the FEIS why the alternative that designates the greatest amount of land in the Planning Area as open OHV management was selected as the preferred alternative.*

Comment 745: *I ask you to please pass Alternative 1 of the ISD RAMP, in order to allow as much of the Imperial Sand Dune Recreation Area to remain open as possible- for the sake of all Americans to enjoy in the various ways our freedom allows.*

Comment 766: *You must consider the needs of the many, and discount the needs of the few, if you call them needs. Please consider steps to maximize the use of the dune land by keeping it open. If you really cared about our society you would embrace the idea of recreation in the dunes allow further development. You would run electrical power to the area and let private enterprise build campground with hookups, pools, waterparks, etc. This could be a fantastic weekend getaway for millions if you would only open up your minds to the possibilities, and stop focusing on seeds and varmants... The millions that enjoy the dunes aren't hurting anything. Duning has been going on for 50yrs and the dunes are still a great destination. Please don't close them, open them up more.*

Comment 784: *If we are to lose more rideable space it will only concentrate people that are going to be out riding and make it more unsafe even on the off weekends. Please help keep it safe out there for everyone.*

Comment 958: *It has been brought to my attention the purposed closures of the imperial sand dunes recreation area, this is an outrage. These lands have been slowly taken away from the people that enjoy and take care of them for the past few decades, it has to come to a stop. You have an entire third of the dunes north west of highway 78 that has been closed of since 1974, this should be more than enough room for the vegetation and wildlife to flourish.*

Response: Under FLPMA, BLM has the responsibility to manage all its public lands under the principles of multiple use and sustained yield for the growing population. This requires that BLM carry forward a balanced approach to management and allocations.

The basic goal of developing a reasonable range of alternatives was to prepare different combinations of management to address issues and to resolve conflicts among uses. The BLM analyzed eight alternatives, including continuation of present management;

management with an emphasis on preservation of the Planning Area's natural and cultural resource values; management that emphasizes a balance of multiple uses, including preservation and recreation; management that emphasizes consumer-driven uses (enhanced recreation opportunities) as well as renewable energy, transportation, and utility rights-of-way; and management of each resource and resource use by establishing a balance between authorized resource use and the protection and long-term sustainability of sensitive resources. These alternatives consider varying levels of OHV recreation areas, with the Proposed RAMP/CDCA Plan Amendment proposing more OHV recreation/open areas than available in the existing condition (Alternative 2) while also managing sensitive natural and cultural resources.

Subconcern: Suggestions for New Alternative

Comment 665: *I'm for Alt. 8 with considerations given to the closing of the camping to Dunebuggy Flats and to the [microphyll] woodland areas. And if you do close that, then I think that you guys should provide an adequate amount of space for more camping. . . . you're going to be displacing a lot of people, a lot of people that use those areas to camp. And then you're going to put the burden back on, you know, the keyhole at Buttercup and Midway and Ogilby Tower. I mean, I don't think those areas can facilitate the extra amount of people that would normally camp at Dunebuggy Flats or south of Wash 25. So I hope you take that into consideration, if you do pass Alternative 8, that you will definitely need to open up more campgrounds.*

Response: Based on public comments and additional review of the data, the BLM has modified Alternative 8 to allow camping in the Dunebuggy Flats area. As a result of this modification, there would be no need for alternative recreational facility development.

Comment 801: *As an alternative to the CH closures proposed in Alt. 8, I propose a smoothed boundary around the main body of the CH, eliminating the peninsulas from closures. Unlike the temporary closures, the boundaries should follow the morphology of the dunes, in the interest of safety and clarity. This would not need to be as wide as the closures in Alt. 5 and 7, because the eastern third to half of those areas is beyond the CH boundary and without significant PMV populations.*

Comment 845: *[B]elieves that some of the other alternatives, notably Alternatives 7 and 8 each have attractive features which could be combined into a potentially effective hybrid. Realigning the irregular boundaries of the Alternative 8 proposed *Astragalus magdalenae* var. *peirsonii* (PMV) critical habitat (CH) closures, increase signage and law enforcement during exceptional rainfall years along with clearly marked pass-through routes would provide a more manageable alternative.*

[We] respectfully requests that Bureau of Land Management (BLM) consider and assess such an alternative in the Final EIS. [We] support of a hybrid alternative will depend on the features that alternative would contain and the impacts it would create. The

proposed consideration of “hybrid” alternative is provided in response to the last sentence on the first page of DRAMP “Abstract” which states “The proposed decisions under this alternative (# 8) could be identical to those under one of the other alternatives presented or could be a combination of the features from several of the alternatives.”

Comment 991: *Another realistic approach would be amending Alt 8 as follows: Allow camping from Wash 25 to Wash 69; Allow camping North of Grays Well; Revise the closure boundary around the CH in Alt 8 (ref map 2-26) to take on a more realistic, well marked shape which protects the CH, but allows access and use of Patton Valley. Provide access corridors from the sand highway to the open dunes. This will assist duners identify where the closure is and isn't located and will provide access for emergency personnel and first responders too.*

Comment 1113: *In Alternatives 7 and 8, the prohibition of motorized use within PMV critical habitat would result in a lack of pass-through corridors through the southern critical habitat for several miles, and from the Dune Buggy Flats campground area. This lack of corridors creates barriers to timely response by law enforcement and emergency medical responders to emergency situations. This would also be confusing to OHV recreationists, and could lead to trespass into closed areas by visitors. With the correct signage and education, two or more vehicle connecting corridors through the southern critical habitat area could be established and would allow vehicles to travel between the East and West open areas. The designated corridors would become the preferred routes, sharply reducing potential unauthorized incursions into the closed critical habitat. Without the identification of connecting corridors, OHVs could potentially travel through the critical habitat areas at many different locations, affecting PMV recovery efforts.*

Response: BLM has reviewed comments related to adjustments to the Preferred Alternative. When making a decision, BLM can combine any parts of any alternatives in the final approval without naming them as separate alternatives. According to CEQ's 40 FAQs, “When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS. What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case.” Although BLM cannot provide an alternative for every variable, BLM does provide a reasonable range of alternatives within the Proposed RAMP/CDCA Plan Amendment and Final EIS. Areas closed to OHV recreation are not closed to BLM or other law enforcement agencies use for management of the lands and enforcement of regulations as well as public safety. The decision maker will consider all comments.

Subconcern: Document(s) General (NOI, DEIS, Plan)

Comment 849: *The organization of the document is not “reader friendly.” The redundant and inconsistent presentation of recommendations and proposals renders this document impossible for most of the interested public to understand and provide comments.*

Response: BLM is required to prepare documents that can be read by the public. The issues for the Proposed RAMP/CDCA Plan Amendment and Final EIS are complex, and the laws and regulations are complex, so the documents can be difficult to follow. BLM has reviewed the Proposed RAMP/CDCA Plan Amendment and Final EIS to improve its readability. The BLM is required to develop a RAMP in conformance with guidelines found in the BLM's *Land Use Planning Handbook* (H-1601). The Secretary and the BLM are also bound by NEPA guidance (42 USC 4321 et seq.), the CEQ regulations at 40 CFR 1500-1508, BLM's NEPA Handbook (H-1790-1), as well as other federal laws and regulations.

Subconcern: Scope, Issues that Should/Should Not be Addressed

Comment 490: *The real environmental impact area (that should be addressed) should be in the adjacent mining project, Aerial Bombing/ Gunnery Range (surrounding the ISDRA) and its new neighbor- the L.A. Garbage Dump site with its trash transported in by train.*

Response: While these existing projects are not within the Planning Area, they are identified in cumulative impacts (Section 4.1.8, Table 4.1). Each of these projects has undergone their own environmental review process (NEPA and/or CEQA) under which impacts would have been discussed.

Comment 1071: *With regards to Border Patrol activities and enforcement, the Draft RAMP/DEIS fails to include an alternative that closes the area south of Interstate 8 to all but Border Patrol and other law enforcement activities as requested in our scoping comments of May 30, 2008. This alternative is a reasonable alternative based on the on-going border issues that occur on the Algodones dunes, which will reduce unsafe encounters with speeding law enforcement vehicles, smugglers, and other border related hazards.*

Response: Because USBP has completed its tactical infrastructure across the Planning Area, the border issues have significantly decreased. Visitor safety has been addressed through Border Patrol's increased presence. BLM is part of the Border Management Task Force with USBP and meets monthly to address all issues related to border management and safety.

BLM does not believe that closures south of Interstate 8 would be necessary to address border issues and safety; therefore, it is not a reasonable alternative. A reasonable range of alternatives related to law enforcement was analyzed in the Proposed RAMP/CDCA Plan Amendment and Final EIS as presented in Section 2.3.18—Public Health and Safety. Specifically the goals and objectives state "Promote safety through law enforcement activities to improve compliance with the rules and regulations of the Planning Area" and management actions for law enforcement include: "Maintain and enhance cooperation between law enforcement entities having jurisdictional authority

within the Planning Area. Enforce existing rules and regulations to facilitate a safe visitor experience. Manage OHV destination areas to provide safety for the OHV recreationists and agency personnel” and “Maintain the law enforcement coalition and cooperate with local agencies.” Section 3.18.3—Law Enforcement and Public Safety provides additional detail related to the existing law enforcement coalition.

Comment 1136: *The preferred alternative identified in the Plan and EIS (alternative 8) will not negatively impact the All American or Coachella Canal or other Reclamation facilities or structures.*

Response: BLM appreciates the agency's review of the DRAMP/DEIS and its involvement in the public participation process.

Comment 401: *Under Alternatives Pg. ES-2 The Draft Environmental Impact Statement should address the traffic impacts to Imperial County roads under all proposed Alternatives. There are over 1.4 million OHV visitors per year and is intensify [sic] on holiday weekends, thereby adversely impacting surrounding county roads. A traffic study may determined [sic] the necessary road improvement at proposed recreation area access points.*

Response: The level of public use of county roads would not increase as a result of this plan. The current level of impact to county roads would remain relatively unchanged.

Comment 948: *In the 2003 RAMP, visitor capacity was addressed. Yet, in this draft RAMP none of this information analysis, and those 2003 decisions about visitor capacity is carried forth. We believe this draft RAMP is professionally unacceptable and possible in violation of BLM planning regulations, and not legally sufficient in terms of Administrative Procedures Act and the National Environmental Policy Act. We hope that this topic will be addressed in the final RAMP as not to end up in court again.*

Comment 1188: *For many years, PEER has urged BLM to address “carrying capacity” at the ISDRA. The need to identify and implement carrying capacity thresholds is illustrated by the Public Health and Safety sections of the DEIS. BLM should not allow more visitors than its facilities can handle, both environmentally and with regards to law enforcement and visitor safety. BLM should determine how many visitors its own law enforcement personnel can handle. Borrowing law enforcement officers from other BLM and USFS areas leaves those areas without adequate law enforcement on major holiday weekends when those areas are also subject to high visitorship. The Cumulative effects analysis must address the impacts to these other recreation areas as a result of having their law enforcement personnel pulled to the ISDRA.*

BLM should include a carrying capacity alternative to reflect its ability to protect the natural and cultural resources of the planning area, and to protect human health and safety.

Response: Visitor carrying capacity has not been addressed in the Proposed RAMP/CDCA Plan Amendment and Final EIS, although Section 3.19 does estimate the number of visitors that could potentially recreate at the ISD based on the rideable sand acreage.

It appears that the visitor capacity based on the rideable sand exceeds the projected number of visitors, therefore setting capacities was not necessary. Please see Section 3.19—Social and Economic Setting for more detail on visitor use numbers. Additional services can be brought to the ISD as needed to meet peak visitation use.

Comment 315: *The Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (43 USC 869 et seq.), is used primarily for providing land to fulfill the need for public services (parks, monuments, schools, community buildings, hospitals, sanitary landfills) due to urban expansion. The 1954 Revision of the R&PP authorizes the lease and/or conveyance of BLM-administered lands for recreational or public purposes to state and local governments and to qualified nonprofit organizations under specified conditions at less than the fair market value. Has any state, local government or qualified nonprofit organization approached the BLM to get the land? I have reviewed other cases under this act in which the BLM conveys the land to another organization and it appears this approach may be feasible.*

Response: For lands to be leased and conveyed under the R&PP Act, they must be identified as available for disposal in the approved land use plan in accordance with FLPMA Section 202. No BLM-administered lands within the Planning Area would be identified as being available for disposal, nor do these lands meet the criteria pursuant to Title 2 of FLPMA. Also, there is a very small acreage limit for the land that could be transferred each year to an entity. At the rate of 6,400 acres to the state or a subdivision of the state (640 acres for a non-profit) per year, it would take over 20 years (two centuries for a non-profit) to transfer the SRMA if it would ever become available for disposal.

Comment 456: *Page 2-62 Section 2.3.14.3.2. Under "Recreation Niche" in the last paragraph on this page is a reference to "semi truck/trailer combinations" when addressing the vehicles that will be accommodated in these camping areas. As there have been several citations issued for the parking of and driving of semi trucks in these areas and the driving of these large commercial vehicles on these BLM access roads will these vehicles now be legal to operate via this designation of this RAMP document?*

Response: RMZs are land use allocations that represent public lands with a distinctive recreation niche (activities, experiences, and benefits). RMZs are not designations, and current regulations would not change based on these allocations.

Commercial vehicles over 14,000 pounds or 50 feet in length are not allowed on Gecko Road because the road was not designed for that weight. These commercial vehicles are allowed in all other areas.

Comment 829: *Section 2.3.14.1 through 2.3.14.4 Recreation Resource Management, Pages 2-55 to 2-67. The fact that off road (ORV) vehicle recreation and motorized camping constitutes the majority of visitation to the Planning Area is a direct result of the fact that the BLM has traditionally promoted and managed the Algodones Dunes primarily as an ORV Recreation Area. Unfortunately, none of the alternatives in this current Draft Plan support changing this tradition. The other uses listed on page 2-55 occur to a lesser degree because they are not encouraged.*

Response: The CDCA Plan designated the ISD SRMA and several other areas for OHV recreation. BLM believes the Proposed RAMP is consistent with the CDCA Plan and largely reflects decisions made in the Plan over 20 years ago. During preparation of the CDCA Plan, BLM assigned MUCs to the ISD recreation area. The classes are based on resource sensitivity and types of users in the area. Much of the recreation area was identified as “Intensive Use,” which provides for concentrated use of land and resources to meet human needs. Recreation activities involving high densities are permitted. FLPMA mandates that BLM manage lands for multiple use and sustained yield, with a balanced approach to use and conservation. Several alternatives were developed to provide the public with options on the future management of the Planning Area.

BLM supports non-motorized activities, but previous participation has been low. However, BLM continues to promote non-motorized recreational activities within the SRMA through its interpretive programs.

Comment 1081: *No analysis was provided on hydrocarbon emissions per mile based on the variety of vehicles that use the dunes (i.e. including motorcycles and quads) and traffic to and from the planning area especially during times of the highest use. Our scoping comments of May 30, 2008 requested that an alternative be included that would place restrictions on vehicles built prior to 1997 and not upgraded, because the pollution coming from these vehicles far exceeds newer models. However this completely reasonable and viable alternative was not included or analyzed.*

Response: Based on this and similar comments, additional analysis of hydrocarbon emissions was conducted, taking into consideration the variety of vehicles used for recreation in the Planning Area, traffic patterns and miles traveled, and seasons or periods of highest use. The revised analysis is presented in Chapter 4.0, Section 4.2.2, Table 4.4 and Appendix Q, which details assumptions used to develop the analysis.

BLM analyzed a reasonable range of alternatives which considered varying degrees of recreational use as well as the long-term sustainability of sensitive resources, including air quality. BLM allows all legal vehicles to access and be used for recreation in the ISD

SRMA. BLM based the analysis of impacts to air quality from the preferred alternative on the wide variety of makes and models of OHV and other legal vehicles used in the Planning Area. The State of California also regulates hydrocarbon emissions for motor vehicles registered in California, and California state laws are enforced in regards to OHV registration and use as defined by the California State Parks Off-Highway Motor Vehicle Recreation Division. Per Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, and the incorporated California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles, OHVs that do not meet the emissions standards in subsection (b) of Title 13 may operate only during certain periods of time at certain OHV riding areas. Section 2415 Table 1 of this Article lists the ISD as limited to use by such vehicles between October 1 and April 30.

Subconcern: Need for an EIS

Comment 1109: *[T]he Draft RAMP/EIS as written fails to comply with the National Environmental Policy Act, the Federal Land Policy and Management Act, the Endangered Species Act, the Sikes Act, the California Endangered Species Act, the National Historic Preservation Act, the National Natural Landmarks Program, the Clean Air Act, Presidential Executive Order 13007, and Presidential Executive Orders 12898, 11644, and 11989, Secretary Executive Orders 3226 and 3289 and applicable Bureau of Land Management policy, handbook codes, and regulations.*

BLM must therefore prepare a supplemental or amended EIS that fully addresses the impacts of the proposed Management Plan on Peirson's milk-vetch, the desert tortoise, and other sensitive species at the Algodones Dunes. A majority of the alternatives, including the proposed preferred alternative would substantially increase ORV use and impacts in the planning area.

Response: In the DRAMP/DEIS, BLM analyzed the effects of eight RAMP alternatives on special status species and developed a Biological Assessment for the federally listed species as part of formal consultation with USFWS. USFWS will issue a BO prior to the BLM signing the ROD for the Proposed RAMP/CDCA Plan Amendment and Final EIS. A reasonable range of alternatives related to special status species and other resources and uses have been analyzed in the Proposed RAMP/CDCA Plan Amendment and Final EIS (see Sections 2.3.1 through 2.3.18). Management prescriptions in accordance with federal laws, regulations, and EOs have been developed. Chapter 3.0 of the Proposed RAMP/CDCA Plan Amendment and Final EIS describes the affected environment for special status species (Section 3.8), and Chapter 4.0 assesses impacts on the affected environment. Likewise, BLM analyzed all alternatives and followed all applicable laws, regulations, and EOs. Without specific comments as to exactly how the document fails to comply with these laws, it is difficult to address the commenter's concern or to clarify the information in the document.

Although there could be capacity for more visitors, the visitor supply would not be expected to exceed the projected visitation level, and visitors would be distributed throughout the SRMA depending upon which alternative was selected.

5.4.2.3 Natural Resources Management

Subconcern: Monitoring, Inventories, Mapping, GIS

Comment 477: *[Table D-1] reflects that the BLM will be monitoring rainfall at "Remote area weather stations located at Buttercup and Cahuilla Ranger stations". It would seem that as in your preferred alternative that you will be impacting recreational opportunities based on the rainfall monitoring that the BLM should install increased rainfall monitoring at the locations where this rainfall threshold is to be applied. As it is widely known that rainfall does not occur consistently across the entire dune area, the monitoring for the camping ban threshold should occur at the location of the closed dune area to provide an accurate representation of the rainfall that will actually affect the area of PMV plants that you are ...*

Response: As stated in Appendix E of the DRAMP/DEIS (Appendix D of the Proposed Plan/CDCA Plan Amendment and Final EIS), additional weather stations are necessary to enable good interpretation of the monitoring data collected. The BLM would consider placing additional weather stations in or near critical habitat to collect additional data.

Comment 483: *Page D-6 Peirson's Milk-vetch Monitoring. In this section you attempt to define the methodology for the monitoring of the occurrence of PMV plants. While this approach may satisfy the need for counting plants it does nothing to evaluate the effect of rainfall on the occurrence of this plant. It would be preferable to have a consistent monitoring approach that would allow the FWS and the BLM to have accurate and consistent data and be able to correlate the effects of rainfall on the number of PMV plants. By only looking at years that have above average rainfall will produce skewed results and not allow the BLM and FWS to have accurate data that could actually tell them when the plant is doing well or is not.*

Response: The best available data are found in the USFWS Critical Habitat Designation, as well as studies summarized in Appendix J, as stated in Section 3.8.1—Federally Listed Species.

Appendix F also includes PMV and Precipitation Monitoring (pp. F-7 through F-8). This appendix describes monitoring of precipitation data to determine whether a detected increase in the population of PMV (based on monitoring of the species) can be solely attributable to precipitation variability.

Comment 1092: *BLM must include alternatives that protect all areas that contain threatened and endangered species. In fact the preferred alternative should include this*

scenario because section 9 of the ESA and its implementing regulations prohibit any person, including any federal agency, from “taking” a threatened or endangered species. 16 U.S.C § 1538 (a)(1); 50 C.F.R. § 227.21. . . . the Draft RAMP/EIS fails provide enough current scientific data to adequately assess the extent of “take” for each alternative and for each species. Additionally the Draft RAMP/EIS fails to identify adequate mitigation for the impacts will occur to the species. Mitigation measures must reflect reality of the BLM’s.

Response: Through BLM’s range of alternatives, multiple areas of protection for threatened and endangered species have been identified. The BLM’s Proposed RAMP/CDCA Plan Amendment (Alternative 8) protects all of PMV critical habitat and protects the Mojave population of desert tortoise. Alternative 3 also provides additional protection for the desert tortoise, as well as provides for full PMV critical habitat protection.

The BLM is mandated through FLPMA to manage public lands according to the principles of multiple use and sustained yield. Multiple use entails managing for wilderness, conservation of species and habitats, as well as recreational and other resource uses. Management of the ISD, including implementation, monitoring, and evaluation of plan elements, allows for continuous adjustments to respond to new issues and changed circumstances (see Appendix F of the Proposed RAMP/CDCA Plan Amendment and Final EIS). Decisions may be modified as the BLM acquires new information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns.

Comment 1210: *Appendix D Page D-4 Table D-1. Please explain why the vehicle counters at some locations were omitted from this analysis. There are vehicle counters at Glamis Flats, Osborne Overlook and Dunebuggy Flats that should be included in the monitoring of visitor use patterns. This is critical given that each of these three areas will likely see significant changes in visitorship following implementation of any camping closure at Dunebuggy Flats, as contemplated under Alternative 8.*

Response: Appendix F of this Proposed RAMP/CDCA Plan Amendment and Final EIS (Appendix D of the DRAMP/DEIS) states that vehicle counters at the following locations are included in monitoring of visitor use patterns: Gecko Road; Glamis Flats; Osborne Overlook; Wash Road; Buttercup; Dunebuggy Flats; and Ogilby. As stated in AppendixF, Recreation Monitoring, the BLM would continue to monitor each vehicle counter. Counters would be monitored more often during the high use season and less often during the summer months when visitation slows. Table F-1 has been revised to include all of the counters that are mentioned in the text.

Subconcern: Cumulative Effects

Comment 1087: *The cursory discussion of cumulative effects in the Draft RAMP/EIS fails to meet this standard and is completely inadequate to assess such impacts. The analysis must consider the incremental impacts of the action in conjunction with the impacts of other past, present, and future actions. This requirement means that the agency must look beyond the life of the proposed action. Moreover, the past, present, and future actions that must be evaluated include all actions -- whether federal, non-federal, or private. The analysis of cumulative impacts should also focus on each affected resource, ecosystem, and human community, and address the sustainability of each.*

Response: Cumulative impacts for each resource and resource use have been analyzed in Chapter 4.0 of the Proposed RAMP/CDCA Plan Amendment and Final EIS. The Proposed RAMP/CDCA Plan Amendment and Final EIS identifies past, present, and future actions as well as reasonably foreseeable future actions that may contribute to cumulative impacts and analyzed them under each resource area or use within Chapter 4.0 of the Proposed RAMP/CDCA Plan Amendment and Final EIS.

Subconcern: Special Status Plants

Comment 471: *Page 4-29 Section 4.7.2.1. The following statement, if accurate, seems to suggest that the simple act of walking in the dunes could result in "Adverse modification" of the habitat for the PMV. If this is the case then perhaps the wilderness area should also have a probation on hiking and equestrian use. I think that it is well documented that OHV use results in less than 1% damage to PMV in areas that are open to OHV use. This statistic is consistent for monitoring of PMV (Page H-2, H-3 and H-6) and Algodones Dunes Sunflower (Page H-4, Section A.2). "OHV recreation or walking may disturb the sand surface and may result in increased evaporative water loss in the dunes (Porter et al. 2005) and reduced water availability to PMV. The impacts to PMV habitat from recreational activities would also include crushing of plants via OHV and other vehicle traffic. Occasional non-motorized (e.g., hiking, equestrian) use could also result in damage to individual plants."*

Response: For critical habitat, adverse modification is defined by regulation (50 CFR 402.02) as "a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species." The amount of surface disturbance from hiking and equestrian use of the North Algodones Dunes Wilderness does not result in prohibited acts as outlined above or result in appreciable diminishment of critical habitat values.

Subconcern: Mojave Population of Desert Tortoise

Comment 1066: *Monitoring for desert tortoise will occur “as funding and staffing levels allow” and in “areas to be determined” (at D-3). Based on the proposed alternatives, possible significant impacts to the desert tortoise and its habitat could occur, and absent a commitment to monitor them, data continue to be unavailable to evaluate the status of their populations within the planning area.*

Response: In the Proposed RAMP/CDCA Plan Amendment Final EIS, BLM analyzed the effects of the RAMP on special status species. Desert tortoise are not found within the dunes, but may be found in the microphyll woodlands and in the Planning Area east of the SRMA.

Because of the locations of the tortoise and the potential impacts, specific monitoring is not required by USFWS, nor proposed in the RAMP. BLM has developed a Biological Assessment as part of formal consultation with USFWS. USFWS will issue a BO prior to the BLM signing the ROD for the Proposed RAMP/CDCA Plan Amendment and Final EIS. There is no critical habitat for the desert tortoise within the Planning Area. OHV use outside of the Planning Area can only occur on designated open routes as described in the NECO and/or WECO plans. Management prescriptions, including measures to avoid, minimize, and reduce impacts to special status species (including the desert tortoise), were developed as detailed in Sections 2.3.1 through 2.3.18. See also response to comment #1092 and Appendix F, pp. F-5 through F-6.

Subconcern: Flat-tailed Horned Lizard

Comment 1046: *Particularly concerning is the impact that off-road vehicles have on both compaction of the stabilized dunes and abundance of harvester ants especially in the stabilized sand fields that the flat-tailed horned lizard calls home (Barrows and Allen 2010). Recent literature indicates that compaction of sand and presence of harvester ants are crucial to the species persistence (Barrows and Allen 2009), yet no monitoring of even these indicators of habitat for flat-tailed horned lizard are proposed.*

Response: In the Proposed RAMP/CDCA Plan Amendment and Final EIS, BLM analyzed the effects of the RAMP on special status species (including the PMV, desert tortoise, and flat-tailed horned lizard) and included specific life history information and impact analysis for threatened and endangered species for the Biological Assessment as part of formal consultation with USFWS. USFWS will issue a BO prior to the BLM signing the ROD for the Proposed RAMP/CDCA Plan Amendment and Final EIS. While there are flat-tailed horned lizards at the ISD, they are at very low densities compared to the densities in the flat-tailed horned lizard management areas. Due to the location of the habitat for this species and the potential for impact, BLM is not proposing to monitor compaction or ant presence within the Planning Area. Species covered by monitoring are presented in Appendix F, Table F-1.

Subconcern: Federally Listed Species—Plants

Comment 796: *The species information section for PMV should be expanded to show that the following elements of its life history have been taken into due consideration by the BLM in developing Alternatives and discussion in the DRAMP:*

1. *the effects and importance of rainfall in both seasonality and amount in causing germination, growth, successful reproduction, and summer survival of PMV. “Average” rainfall does not mean much in an area with 2-3 inches per year.*
2. *life history of PMV; conditions necessary for first-year flowering, first-year reproduction vs. perennial reproduction; longevity of plants; survival through summer season.*
3. *ecology of the PMV seed bank and its importance to survival of the species*
4. *clustered distribution of PMV within the dunes; types of habitats where it is found and not found (you can’t estimate density by dividing number of plants by ha. in dunes [App. H, A.1 p. H-4] because they are NOT evenly distributed).*
5. *effects of OHVs on PMV and vehicle use patterns in the dunes with respect to PMV distribution is important in determining CH closure design and possible establishment of “pass-through” routes ...*

Response: Section 3.8—Special Status Species provides a discussion of the status, life history, distribution and occurrence, critical habitat, and threats for each special status species, including the PMV. Chapter 4.0, Section 4.7 of the Proposed RAMP/CDCA Plan Amendment and Final EIS, BLM analyzed the effects of the RAMP on special status species (including the PMV, Mojave population of desert tortoise, and flat-tailed horned lizard). This information was included in the Biological Assessment as part of formal consultation with USFWS. USFWS will issue a BO prior to the BLM signing the ROD for the Proposed RAMP/CDCA Plan Amendment and Final EIS.

Comment 1110: *[R]ecognizes the importance of protecting the Peirson’s milk-vetch (PMV) given its listing on the Endangered Species list. However, because a recovery plan has not yet been adopted by the U.S. Fish and Wildlife Service (USFWS), it is extremely problematic to effectively plan for how to manage this species in the ISDRA. The Draft RAMP lacks a thoughtful discussion and justification in each of the proposed alternatives. Without a recovery plan, the Division is concerned that proposed closures of land outside existing, designated critical habitat seems premature.*

Response: The USFWS is the responsible agency in charge of the listing of species as threatened or endangered as well as designating critical habitat. The USFWS is also the agency responsible for developing recovery plans for listed species. Federal agencies must implement reasonable and prudent alternatives to avoid take of listed species

and/or the destruction and adverse modification of critical habitat whether a recovery plan has been developed or not.

No BLM-administered lands, other than wilderness, outside existing designated PMV critical habitat are proposed for OHV closure under BLM's Proposed RAMP/CDCA Plan Amendment (Alternative 8).

Comment 322: *I would like to recommend that this commission accept research that may allow the PMV to be transplanted and flourish in areas that are not populated...have members of this commission actually been to the Imperial Sand Dunes to see the large number of plants growing in open and closure areas? Reference information can be found in the study conducted by the U.S. Fish and Wildlife Service that less than 1% of the PMV open area are affected by OHV's.*

Response: Under the ESA, BLM is legally obligated to protect listed species in their natural habitat. Although transplantation has been performed on a variety of animal species in the past, it has only been done with the intent of re-introducing those species back into their natural habitat, a requirement for recovery of a federally listed species. PMV is also part of a larger and unique plant community termed psammophytic (sand-loving) scrub. Allowing the removal of this plant from the constituent community may have deleterious effects on other species as well. Since particular plants play a role in any given ecosystem, the effects of removing any one species, or allowing any one species to become removed, may give way to more listed species in the future.

Subconcern: Biological Elements, General

Comment 869: *Appendix O. Photo at Page 8, Figure 3: This photograph has no business in this document. It is not germane to the discussion of bird monitoring at the ISD and is an inflammatory depiction of illegal OHV recreation. Moreover, it depicts a location that is not even within the ISDRA. Finally, there is no way to substantiate that this is fact illegal OHV operation. By including this photograph in the bird report, the authors betray an inherent bias against OHV activity, which in turn renders the study's analysis and conclusions suspect.*

Response: Current Appendix R (Appendix O of the DRAMP/DEIS) was developed by PRBO Conservation Science for use by the BLM. The comment concerns related to the photograph found in the appendix is a subject that is beyond the scope of the Proposed RAMP/CDCA Plan Amendment and Final EIS planning process since BLM does not condone illegal OHV activities on BLM-administered lands.

The modified PRBO report replaces the existing draft report provided in AppendixR, and the photo of concern has been removed by the report's author because it was not representative of the Planning Area. See also response to comment #1245.

Comment 1011: *Although the desert tortoise and the PMV are the only listed species that reside in the ISDRA, a number of other sensitive plants and animals also live in or use the ISDRA for various parts of their respective life histories. The RAMP/EIS should, but does not, discuss how the proposed alternatives provide for the conservation of these species, thereby avoiding the need to list them as threatened or endangered under the Endangered Species Act.*

Comment 1036: *It has long been documented that ORVs negatively impact important biological resources on the Algodones Dunes (Luckenbach and Bury 1983). The Draft RAMP/EIS fails to do a thorough job of analyzing the alternatives.*

Response: Chapter 2.0 of the Proposed RAMP/CDCA Plan Amendment and Final EIS describes the alternatives and management actions that would be implemented. Mitigation measures are included as part of the management actions to reduce impacts to resources, including sensitive natural and cultural resources. Section 3.8 provides a discussion of the status, life history, distribution and occurrence, and threats for special status species, including state-listed and BLM sensitive. Chapter 4.0 describes impacts to sensitive resources, including special status species (see Section 4.7), as well as unavoidable adverse impacts. Appendix F, Monitoring Plan, describes the BLM plan for monitoring and evaluating management strategies as well as resource conditions and trends to determine the effectiveness of the approved RAMP and to determine whether its implementation is achieving the desired results.

Comment 1088: *The Draft RAMP/EIS sets forth weak or non-existent mitigation measures that would need to be implemented in order to maintain environmental integrity under the Clean Air Act, the Endangered Species Act, and other federal environmental laws. NEPA requires that an EIS discuss mitigation measures and the purpose of the mitigation discussion is to evaluate whether anticipated environmental impacts can be avoided. NEPA also requires this section of the EIS to “[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives” 40 C.F.R. § 1502.14. Mitigation measures also comprise part of the scientific and analytical basis for the comparative analysis required under NEPA. 40 C.F.R. §1502.16 (h).*

Mitigation measures must be set forth with “sufficient detail to ensure that environmental consequences have been fairly evaluated”. Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 351-52 (1989). As the Ninth Circuit recently noted: “[a] mitigation discussion without at least some evaluation of effectiveness is useless in making that determination.” South Fork Band Council of Western Shoshone v. DOI, 588 F.3d 718, 727 (9th Cir. 2009) (emphasis in original). The BLM’s DEIS fails to include mitigation measures for many impacts, fails to address mitigation measures not included in the proposed action or alternatives, and fails to include sufficient detail and information for the few measures it does discuss. Therefore, it is not in compliance with NEPA.

Response: Management actions common to all alternatives and those which vary by alternative as described in Section 2.3.8—Special Status Species Management are intended to mitigate impacts to special status species. Mitigation measures were incorporated into all alternatives to reduce impacts.

Subconcern: Wildlife/Animals Management

Comment 1079: *In addition, no analysis is provided on the potential impacts to wildlife from people hanging around guzzlers or ephemeral ponds that occur primarily on the east side of the dunes in the microphyll woodlands. Human presence can negatively affect wildlife visitation to guzzlers and water sources.*

Response: The Planning Area currently has six wildlife guzzlers, five within the North Algodones Dunes Wilderness and one in the Mammoth Wash area (see Section 3.5.1.3—Wildlife Guzzlers). These locations have the lowest visitor use within the Planning Area. There are no wildlife guzzlers in the microphyll woodlands in the dunes south of Highway 78. Section 2.3.7—Wildlife Resource Management, Table 2-5 states the management actions relating to maintaining current wildlife guzzlers and potential development of new wildlife guzzlers.

Subconcern: Insects

Comment 803: *The report states (sec.3.6.4, p. 3-28 through 3-32) that less than 2% of insect specimens collected have been identified and processed, and that collection localities were not comprehensive in their coverage of the dunes. Since no Special Status insects are apparently known from the PA, it is questionable why the lengthy insect report is included as Appendix G of vol. II. While the information is interesting and not available elsewhere, the DRAMP does not seem to be a relevant place to present it. Perhaps one of the several available PMV reports could be inserted in its place?*

Response: The 2005 signed ROD, the RAMP, its associated Final EIS, and supporting BO were challenged in federal district court. In a 2006 federal court order, the FEIS, ROD, and BO as it relates to PMV were vacated and remanded to the agencies for further consideration. The court also remanded the RAMP to the BLM for further consideration. In its order, the court determined that the BLM was in violation of NEPA for its failure to consider the interim closure alternative as a full alternative and to take a hard look at endemic invertebrate species. The report was added as part of documentation to show that endemic invertebrate species were considered and evaluated in this RAMP/EIS process.

A summary of the Phillips' PMV reports has been added to Section 3.8.1—Federally Listed Species.

Comment 1050: *[T]he Draft RAMP/EIS completely fails to analyze the impacts of the alternatives on the endemic invertebrate fauna in the planning area.*

Response: Chapter 4, Section 4.6—Impacts to Wildlife Resources includes analysis of impacts to insect species (invertebrates). Impacts analysis for invertebrates was based on information found in Appendix I of this Proposed RAMP/CDCA Plan Amendment and Final EIS as well as peer-reviewed articles such as Van Dam and Van Dam 2008, Impact of Off-road Vehicle Use on Dune Endemic Coleoptera. This reference has been added to the text in Chapter 4.0 as well as the References Cited of this Proposed RAMP/CDCA Plan Amendment and Final EIS.

Subconcern: Special Status Wildlife, General

Comment 1022: *On page 4-31, the RAMP/EIS states that "OHV recreation tends to be concentrated within the psammophytic scrub . . .," and that, as a consequence, "some special status species such as the Colorado Desert fringe-toed lizard and endemic dune beetles occurring in these dunes would be killed or injured by OHV recreation." As with so many sweeping statements in the document, this one has no technical support. We are not aware of any study that has (1) recorded the death and/or injury of fringe-toed lizards and dune beetles in the ISDRA, and (2) determined that such death and/or injury was caused by OHV use. If the BLM has such information, it should be attached to the RAMP/EIS as an appendix.*

Response: During the planning process, BLM used the best available data to determine management actions appropriate for the Planning Area. Potential decisions were based on several resources, including BLM staff knowledge of the resources within the Planning Area as well as historical uses of the area and other literature. Literature used in the Proposed RAMP/CDCA Plan Amendment and Final EIS is based on individual merit and applicability and may include both peer reviewed and non-peer reviewed data. Information gathered within the BLM and from other sources is utilized as appropriate, and not all sources listed in References Cited are included as appendices.

Subconcern: Wildlife Habitat Management, General

Comment 1021: *With respect to the affect [sic] of OHV noise on lizards and small mammals, the RAMP/EIS cites the Brattstrom and Bondello study from 1983. Not only is the study itself more than a quarter century old, the data used in the study was collected in the mid to late 1970s. Sound attenuation requirements have become much more stringent in the last 10 to 15 years. Likewise, there have been huge advances in noise reduction technology during that same period. So the Brattstrom/Bondello study — while perhaps interesting as an historical artifact — provides an insufficient technical basis for the RAMP/EIS statements regarding potential noise impacts from OHVs. Attached to this letter as Exhibit A is the Declaration of Robin Harrison, an acoustics expert, submitted to the District Court for the Northern District Court of California in the case of Center For*

Biological Diversity v. United States Bureau of Land Management (Case No. 3:06 CV 04884 SI), in which Mr. Harrison describes the technical deficiencies of the Brattstrom/Bondello study.

Response: During the planning process, BLM used the best available data to determine management actions appropriate for the Planning Area. Potential decisions were based on several resources, including BLM staff knowledge of the resources within the Planning Area as well as historical uses of the area and other literature. Literature used in the Proposed RAMP/CDCA Plan Amendment and Final EIS is based on individual merit and applicability, and may include both peer reviewed and non-peer reviewed data. Information gathered within the BLM and from other sources is used as appropriate, and not all sources listed in References Cited are included as appendices.

The noise impacts were stated as only potential impacts acknowledging that wildlife exposure to OHV noise is localized and only at high levels during the six major holiday weekends during the recreation season (see Chapter 4, Section 4.7.3). The court testimony related to the Brattstrom and Bondello study was reviewed; however, no alternative sources of potential noise impacts to wildlife species were provided. BLM continues to educate visitors about noise compliance regulations (see Section 2.3.18—Public Health and Safety)

Comment 1084: *In addition, the Draft RAMP/EIS assumes a noise level for a single ORV of 92 dBA at 50 feet (uncited assumption) and also assumes that “the duration is likely to be quite short” (at 4-31). Since ORV use levels in the planning area are the highest in the state and ORVs are often driven in groups rather than individually, this is probably a low estimate of actual sound levels. The BLM’s failure to establish baseline noise levels in the planning area, and its assumption that they are merely equivalent to conditions elsewhere, renders incomplete and inadequate its NEPA analysis of the environmental effects of noise at the Dunes.*

Based on the massive numbers of ORVs that occur on popular weekends, no cumulative noise impacts on wildlife is analyzed in the Draft RAMP/EIS.

Response: The noise section in the text has been updated, including references, according to current California Code. The baseline noise is in Section 3.18.2.2—Existing Noise Environment.

The noise impacts were stated as only potential impacts acknowledging that wildlife exposure to OHV noise is localized and only at high levels during the six major holiday weekends during the recreation season (see Chapter 4, Section 4.7.3).

California Vehicle Code Section 38370 (see Section 3.18.2.2.1—OHV Noise Levels) requires that decibel levels (measured at 50 feet) be below (a) 92 dBA for any such vehicle manufactured before January 1, 1973; (b) 88 dBA for any such vehicle

manufactured on or after January 1, 1973, and before January 1, 1975; (c) 86 dBA for any such vehicle manufactured on or after January 1, 1975, and before January 1, 1986; and (d) 82 dBA for any such vehicle manufactured on or after January 1, 1986.

Subconcern: Firewood Collection

Comment 609: *There is a couple of other items that we need to be careful and provide more explanation on. One of them is on the wood collection. I think that's something nobody has touched on yet. There are going to be restriction on wood collection.*

Response: Wood collection is addressed in Section 2.3.6.4—Vegetative Use Authorization, Table 2-4 of the Proposed RAMP/CDCA Plan Amendment and Final EIS. As stated in this table, wood collection would be either prohibited or allowed depending on the alternative.

Subconcern: Noxious and Invasive Plants

Comment 1181: *The Federal Noxious Weed Act of 1975 requires federal land managers to develop a management program to control undesirable plants and to cooperate with state and federal agencies to manage undesirable plants. These directives are identified in Chapter 3, along with a list of noxious weeds likely to occur in the planning area. However, the DRAMP/DEIS fails to outline what, if any, management plan would be implemented under each alternative to control noxious weeds. Chapter 4 fails to include the required comparison of the affect [sic] on noxious weeds under each alternative. The final EIS should correct these deficiencies.*

Response: Section 2.3.6.3—Invasive Non-native Plants outlines the management actions related to invasive species control, which are common to all alternatives. Impacts analysis are presented in Chapter 4.0 presents impact analysis for invasive species which would be common to all alternatives.

Subconcern: Heritage Management

Comment 838: *In reviewing your eight proposed alternatives, the Desert Protective Council finds that we are not able to support any of them entirely because . . . None of the alternatives protects the myriad Native American cultural resources, many of which have not yet even been evaluated. (Appendix J pages J 1-8)*

Response: All alternatives contain some level of protection for cultural resources (e.g., Plank Road ACEC, OHV closures). As stated in Section 4.9, "Compliance with Section 106 of the NHPA and other applicable cultural resource laws and regulations would be completed before implementing specific projects resulting from DRAMP decisions," including conducting evaluations of any sites that cannot be avoided. Any future ground-disturbing activities would undergo the Section 106 process with respect to the cultural resources sites under all alternatives.

BLM has initiated and continues consultation with Native American tribes to discuss cultural resources and other resource concerns related to the planning process.

Subconcern: Air Quality Management

Comment 626: *I don't understand the word de minimus. Can somebody tell me what that means, threshold level de minimus in requiring full conformity." You mentioned that within regard to the minimal rainfall camping areas.*

Response: Definition of term “de minimus” was provided in the Glossary of Terms (Volume II of the Proposed RAMP/CDCA Plan Amendment and Final EIS).

Comment 558: *Table 4-4 provides a partial list of anticipated GHG emissions, representing an estimate of the incremental change in CO2 emissions due to OHV activity; this list, however, shows that implementing the preferred alternative would result in the second-highest change at 31,597 tons per year. The adoption of such an alternative is a concern because both Executive Order 13514 and Secretarial Order No. 3289, among other directives, have charged BLM with accounting for, and reducing, emissions resulting from Federal land management practices, and considering and analyzing potential climate change impacts when developing multi-year management plans.*

Comment 560: *[R]recommends that BLM provide additional information about anticipated GHG emissions for each of the proposed alternatives (not just those related to OHV activity), and select an alternative that fulfills BLM and Administration directives by reducing GHG emissions in the Planning Area.*

Response: Secretarial Order No. 3226 states “Each bureau and office of the Department will consider and analyze potential climate change impacts when undertaking long-range planning. . .”. The potential impacts of the alternatives on factors that may contribute to climate change (greenhouse gas emissions) were analyzed in Chapter 4.0, Section 4.2.4 of the Proposed RAMP/CDCA Plan Amendment and Final EIS. No direct effects from implementation of the RAMP of these emissions to localized climate and weather could be identified. Management prescriptions, including measures to avoid, minimize, and reduce impacts, were developed as detailed in Sections 2.3.1 through 2.3.18.

Proposed development projects on lands made available for geothermal, solar, and wind energy would undergo individual NEPA analysis. Any development of renewable energy on this land would likely reduce climate change emissions by reducing dependency on fossil fuels. An analysis of this impact has not been conducted, however, as there are no specific projects being analyzed or approved in this document.

Comment 1101: *Because one of the primary contributors of air pollutants (PM10) within lands administered by the BLM in Imperial County is ORV recreation (at 3-11), adequate monitoring equipment needs to be installed on and near the Dunes both in areas where the production of these pollutants occurs and where particulates and other pollutants drift or are carried by winds, so that the effects of air pollutants created on site can be quantitatively evaluated both on and off site. It is the BLM obligation to monitor the effects of their permitted activities in order to achieve one of the plan's goals "Maintain or improve air quality as established by the NAAQS and California Ambient Air Quality ...*

Response: The BLM will continue to work with ICAPCD to develop additional monitoring stations as required by ICAPCD. The ICAPCD currently collects air quality data in locations throughout the county. These data are administered by CARB.

Comment 314: *Table 4-4, ESTIMATED INCREMENTAL CHANGE IN CO2 EMISSIONS DUE TO OHV ACTIVITY, in section 4.2.4 is very misleading and may not be correct. I would estimate that the same number of people would go to the dunes no matter which alternative is selected. That would mean that the CO2 levels for the duners would not vary much for each alternative. The big difference then must be with the gravel mining; locatables mining, including gold and silver, which for some reason are also included in the table. These seem un-related to OHV as we think of it.*

Comment 554: *Acording to Table 4-3 of the DEIS..., adopting the preferred alternative would result in the second highest level of air quality emissions. ...is concerned about these potential air quality impacts, and whether, if implemented, Alternative 8 will conform to the Imperial County Air Pollution Control District (ICAPCD)'s State Implementation Plan (SIP) for ozone and PM10 (which is of particular concern, as Imperial County was reclassified as serious PM10 nonattainment in 2004.*

Comment 894: *[We] noticed the preferred alternative introduced in the DRAMP/DEIS, increases the total amount of "Open Areas" for OHV activity by almost 40,000 more acres than what is currently available. The DRAMP does not provide a detailed analysis of the impacts OHV can have on such a large and currently undisturbed area. Therefore the Air District is asking that this DRAMP analyze the impacts resulting from the increase.*

Comment 1014: *On page 2-7, the document indicates that BLM will install air meters to monitor PM10 levels in the ISDRA. We question the need for this effort on two grounds. First, there are no sensitive receptors at or near the ISDRA, so the PM10 emissions from the planning area are unlikely to affect the persons that the PM10 thresholds are intended to protect. Second, data generated by Environ on behalf of the Imperial County Air Quality Control District (the "District") demonstrate that the District is well within the PM10 attainment threshold (150 micrograms per cubic meter per day) except during extreme wind events and cross-border transport events, both of which occur one to three times per year. These same data indicate that the wind events have historically occurred*

between mid-April and mid-September, which is outside the typical OHV season at the ISDRA. In other words, the Environ studies establish that OHV use at the ISDRA has not caused or significantly contributed to the recorded exceedances of the PM10 thresholds. Therefore, there would appear to be little need for, or benefit from, installing PM10 monitors at the ISDRA. The District's PM10 documents, including the Environ studies cited here, should be consulted and included in the administrative record for the RAMP/EIS.

Comment 1098: *ORV activities cause dust including air-borne particles in both the PM10 and PM 2.5 range. They add to the particulate matter in the air basin, which already exceeds state and federal standards for both 24-hour periods and annual standards. Ozone is also a by-product of ORVs and the production and health risk. The Draft RAMP/EIS modeled air emissions from recreation vehicle sources (at 4.5, Table 4-3) presumably within the planning area only, and provides a baseline based on Alternative 2. Modeling indicates that all alternatives, except Alternative 3 will increase PM10 (and other pollutants) from the existing conditions. Based on modeling assumptions that are not even comprehensive (see below), every alternative except alternative 3 would increase the amount of air pollutants, especially the PM10 by tens of thousands of tons per year. In fact as the Draft RAMP/DEIS notes "Alternatives 1 and 4 through 8 exceed the de minimis thresholds" (at 4-6). Clearly none of these alternatives can be chosen. The BLM cannot authorize activities that continue or increase the degradation of the air quality in these air basins.*

The modeling was based on estimates of ATVs and motorcycles from air basins that do not allow ORVs on sand dunes. Modeling for 4-wheel drive trucks and sand rails were modeled from data on unpaved roads, not sand dunes. Additionally, soil types are not homogenous throughout the planning area, and different soil types produce different amounts of PM10 emissions, which are also dependent upon speed and vehicle type (Goossens and Buck 2009). None of these factors are included in the simplistic modeling effort of the Draft RAMP/EIS. The modeling also fails to evaluate other types of vehicles that use the dunes, as well as other activities that create PM10 (and other pollutants) including campfires, generators, and travel to and from the Algodones dunes just to name a few. All of these activities cause increases in PM10 emissions (and other pollutants) in an already highly compromised air basin. The Draft RAMP/EIS also fails to include calculations for air quality impacts for emissions from vehicles driving to and from the Igodones dunes. This air pollution is clearly a related action to the RAMP and adds additional air pollutants to the already impaired air basin.

Response: BLM understands that air quality is an important issue that needs to be addressed through joint efforts.

As detailed in Chapter 4.0, Section 4.2, estimated recreational vehicle use of the Planning Area by alternative was obtained from Section 4.18.2—Social and Economic Impacts of Recreation Program and background parameters (CIC Research 2009), as

well as the 2006 visitor profile (Haas and Collins 2008). In Chapter 3.0, the existing condition established a baseline for analysis of recreation activities within the Planning Area and the associated economic impacts. For the existing condition, it was established that there are an annual 350,000 towing vehicles, based on the 2006 Planning Area recreation survey. To develop estimates of tow vehicles and visitor groups for each of the proposed management alternatives, the change in the amount of riding acreage from the existing condition (51,727 acres) was used as the primary adjustment parameter.

Based on activity data in the 2006 visitor profile, visitors typically spent an average of 5.6 hours per day in the dunes off-roading, and the average length of stay was 3.1 days. OHV recreational emissions were calculated using the NONROAD model for ATVs, motorcycles, and sand rails (EPA 2006), and the URBEMIS 2007 model for 4-wheel drive trucks (Rimpo and Associates 2008).

Based on comments received during public review of the Draft EIS, BLM re-evaluated the fugitive PM₁₀ and PM_{2.5} analyses to assess whether certain conservative assumptions could be relaxed. This re-evaluation included soil sampling at numerous sites within the Planning Area to determine the soil silt content, as well as more detailed travel distribution information within the Planning Area. The details of the re-assessment are provided in Appendix Q. The particulate matter re-assessment and refinement resulted in a substantial reduction in the projected PM₁₀ and PM_{2.5} emissions associated with each of the alternatives.

Chapter 4.0, Section 4.2 presents estimated air emissions by alternative, including the potential increase in OHV use under Alternative 8, as well as an analysis of cumulative air quality impacts. The Proposed RAMP/CDCA Plan Amendment has been developed to manage each resource and resource use by establishing a balance between authorized resource use and the protection and long-term sustainability of sensitive resources, including air quality.

Each alternative presented in Chapter 2 provides a statement regarding conformance (see Section 2.3.3—Air Resources Management).

Comment 1120: *The draft RAMP/EIS uses the URBEMIS model to determine PM10 fugitive dust emissions from "4-wheel drive trucks and sand rails" operating at ISDSRMA. This model is inappropriately applied to the off-highway vehicle recreation at ISDSRMA because it is based on travel over unpaved roads with an unspecified surface (other than "unpaved"). Recreation using "4-wheel drive trucks and sand rails" at ISDSRMA is by and large not on unpaved roads, but on the dune sand. The Division has concerns that the modeled fugitive dust emissions are over-estimated.*

Response: The NONROAD model for OHVs and the URBEMIS model for 4-wheel drive trucks were used for the analysis. In addition, BLM re-evaluated the fugitive PM₁₀ and

PM_{2.5} analyses. Details of the analysis and assumptions are presented in Appendix Q and information has been clarified in the text.

Comment 1166: *I also believe that air emissions modeling sources should be provided as technical appendices. In Table 4-3 (Air Quality), the RAMP/EIS provides "Estimated Annual Air Quality Emissions Due to OHV Activity (Tons/Year)." These data were "calculated using the NONROAD model for ATVs, motorcycles, and sand rails (EPA 2006), and the URBEMIS 2007 model for 4-wheel drive trucks (Rimpo and Associates 2008)." In addition, fugitive dust emissions for ATVs and motorcycles were estimated using rates from the South Coast Air Quality Management District (1993). Unfortunately, however, the RAMP/EIS does not include the Rimpo and Associates (2008) report or any of the modeling source documents as appendices, so it is impossible for the public to review them for accuracy. This should be corrected in the Final RAMP/EIS.*

Response: These reports are included as part of the Administrative Record for the RAMP/EIS and are available to the public upon request. Due to the size of the Proposed RAMP/CDCA Plan Amendment and Final EIS, not all reference materials are included in appendices. Air quality modeling assumptions have been included in Appendix Q.

Comment 893: *The Imperial County is currently federally designated as a "serious" non-attainment area for PM₁₀ National Ambient Air Quality Standards (NAAQS) and "non-attainment" for PM_{2.5} NAAQS. These federal designations require that the Air District develops implementation plans which describe the mechanisms that will be used to bring particulate matter emission levels back into attainment as expeditiously as practicable. One of the mechanisms used by the Air District to reduce PM₁₀ emissions was to develop and adopt fugitive dust rules for the Imperial County. Rule 800 General Requirements for Control of Fine Particulate Matter (PM-10), is one of several fugitive dust rules that were adopted by the Air District Board of Directors (Nov 2005) and approved by the California Air Resources Board (CARB) in an effort to reduce PM₁₀ levels in Imperial County and bring the county into attainment. One of the requirements found in Rule 800, is that BLM submits a Dust Control Plan to the Air District every two years. The BLM's Dust Control Plan identifies sources of PM₁₀ emissions within their jurisdiction as well as dust control measures that can be implemented to help minimize or eliminate those emissions. So far BLM has actively worked with the Air District and complied with the requirements of Rule 800.*

Nevertheless, on February 3, 2010 the US.EPA published in the Federal Register a notice proposing Limited Approval and Limited Disapproval of Regulation VIII Dust Rules. Most recently, on July 8, 2010, the U.S. EPA finalized its proposed Limited Approval and Limited Disapproval of revisions to the Imperial County Air Pollution Control District portion of the California State Implementation Plan under the Clean Air Act as amended in 1990. In the rulemaking US.EPA concluded that PM₁₀ emissions from open areas such, as the Imperial Sand Dunes, are significant sources of PM₁₀

which require Best Available Control Measures (BACM). Due to this recent ruling, at a very minimum, this RAMP must acknowledge that further analysis is required.

Response: BLM has reviewed the EPA action related to Rule 800 and is working with the ICAPCD to develop an appropriate air monitoring plan within the Dust Control Plan. BLM will continue to coordinate with the ICAPCD to ensure compliance with the Clean Air Act. The best available control measures would be used for all alternatives except for Alternative 1. These measures have been added to the Proposed RAMP/CDCA Plan Amendment and Final EIS.

Comment 908: *Page 4-4, Section 4.2.2, the third paragraph in this section provides a brief description of a full conformity analysis and references 40CFR Part 93 as the basis for determining whether a project is significant. Significance unlike conformity is a study on a project's impact to the environment. In keeping with BLM's agency policy as stated in Section 2.3.2-Air Resources Management of the DRAMP, "The FLPMA and the Clean Air Act (CAA) of 1970 and Amendments of 1977 and 1990 (42 USC 7401 et seq.) prohibit BLM or any federal land management agency from conducting, supporting, approving, licensing, or permitting any activity on federal land that does not comply with all applicable local, state, and federal air quality laws, statutes, regulations, and implementations plans". Therefore, the BLM must utilize the Imperial County CEQA Air Quality Handbook as guidance for determining significance. The resulting emissions of the air quality analysis conducted by BLM should be compared to the thresholds found in Table 1, (Thresholds of Significance for Project Operations) of the Imperial County CEQA Air Quality Handbook for determination of significance and submitted to the Air District for review.*

Response: The BLM will follow the process described by the commenter; however, significance as used in this EIS is based upon NEPA regulations. As appropriate, BLM would use the CEQA definition of significance when working through Imperial County for compliance, which would be a separate process.

Comment 391: *Air Quality DEIS pg 4-85 sections 4.11.1.1 and 4.11 Again not all visitors operate an OHV. Users do not operate their OHV 6 hours as the figure used to base emissions. Most OHV users will ride a short period, rest and ride another short period. Most OHV's are designed so that a continuous 6 hour operating time would harm the OHV. The more frequent and avid duner will ride approximately 4 hrs a day. The majority of the HOV use does not occur after sunset.*

The DEIS does not take into consideration the advent of four stroke and lower emission vehicles...

Response: The best available information for the Planning Area was used to develop the model and emissions estimates. Modeling equations used various vehicle types, as detailed in in the DRMP/DEIS Chapter 4.0, Section 4.2 and Appendix Q of the Proposed

Plan/CDCA Plan Amendment and Final EIS. The 5.6-hour reference that was used in the model was reviewed. BLM found that this time also included all time away from camp. The number has now been revised to reflect a more accurate number.

OHV recreational emissions were calculated using the NONROAD model for ATVs, motorcycles, and sand rails (EPA 2006), and the URBEMIS 2007 model for 4-wheel drive trucks (Rimpo and Associates 2008).

Comment 911: *Page 4-6, Section 4.2.2, paragraphs one (1) and two (2) describe the emission rates, emission models and other sources of information used for calculating the projected emission caused by OHV activity. According to the DRAMP, "01-IV recreational emissions were calculated using EPA's NONROAD Emissions Inventory Model for ATV's motorcycles, and sand rails, and the URBEMIS 2007 model for 4-wheel drive trucks. Fugitive dust emissions for ATVs and motorcycles were estimated using emissions rates from the South Coast Air Quality Management District, and fugitive dust emissions for 4-wheel drive trucks and sand rails were modeled by selecting travel on unpaved roads in the URBEMIS models." Unfortunately however, there are a couple of issues with this air emissions analysis. First, EPA's NONROAD Emissions Inventory Model is better used for calculating state-wide emissions and not area specific emissions. For a more complete air quality analysis the Air District requests that BLM utilize CARB's Off-Road Emissions Inventory Program and selects Imperial County specific off-road emissions. Secondly, the air quality analysis should also estimate the totals emissions from on-road vehicles (motor-homes, cars, truck, etc...) that travel through unpaved camping grounds as well as through unpaved roads. CARB's EMFAC 2007 model can provide the emissions estimates for these types of motor vehicles.*

Response: Based on comments received during public review of the Draft EIS, BLM re-evaluated the fugitive PM₁₀ and PM_{2.5} analyses to assess whether certain conservative assumptions could be relaxed. This re-evaluation included soil sampling at numerous sites within the Planning Area to determine the soil silt content, as well as more detailed travel distribution information within the Planning Area. The details of the re-assessment are provided in Appendix Q. The particulate matter re-assessment and refinement resulted in a substantial reduction in the projected PM₁₀ and PM_{2.5} emissions associated with each of the alternatives.

Comment 393: *Mitigation Measures Air Quality DEIS pg 4-101 section 4.11.3*

The statement to suspend all operations when winds exceed 25mph is not realistic or reasonable. Does that include Law Enforcement, OHV use and Vending? In my 17 years as a vendor at Glamis I have experienced and observed the following.

1. *When the wind blows, so does the sand, causing high dust in the air. It will blow dust and sand regardless if there are OHV's or not.*

2. *OHV use comes to a standstill as HV operators will stay in camp and not operate their OHV. Some will even choose to leave all together. Would they then be in violation under the new regulations?*
3. *Vendors who area stationary should not be included in this term "all operations."*
4. *If the sand is damp as it was often with rains during the 09-10 season, the sand does not blow creating dust.*
5. *Again I bring up the subject of the Mesquite Landfill. If the wind is blowing from that direction the dust created would blow over the ISDRA in the Galmis area and combine creating the illusion of dust from OHV use. Would the Mesquite Landfill also ceases [sic] operation in sustained gust of 25mph?*
6. *Again if someone whose [sic] to leave due to wind, use the public restroom which they need to drive to, would they be in violation and subsequently fined. The definition of "All Operations" needs to be clearly defined. Enforcement and the cost of such is not mentioned or studied.*

Response: The BLM cannot find a reference to this information within the DRAMP/DEIS. Management actions proposed under air quality are found in Section 2.3.3 and impacts to air quality are outlined in Chapter 4.0, Section 4.2 of the Proposed RAMP/CDCA Plan Amendment and Final EIS. Best management practices can be found in Appendix C of this document.

Comment 896: *Page 2-7, Section 2.3.2.2, Bullet #2, states "treat the following access roads for dust control to reduce the impact of OHV activities on air quality, as personnel and funding levels allow..."...please provide in detail what would be your contingency measures to effectively control fugitive dust.*

Response: Specific measures for dust control within the Planning Area are outlined in the Dust Control Plan for the Planning Area. BLM will continue to coordinate with the ICAPCD to ensure compliance with the Clean Air Act. The Proposed RAMP/CDCA Plan Amendment and Final EIS will be reviewed to ensure consistency of statements. The Dust Control Plan is included as Appendix D.

Comment 904: *Page 3-10, Section 3.2.2.4, should also provide a brief description of the current designation status for PM₁₀ and PM_{2.5}.*

Response: Sections 3.3.2.4 and 3.3.2.5 have been updated to include the current designation status for ozone, PM₁₀, and PM_{2.5}.

Comment 1099: *The BLM also fails to take into account the benefits of keeping natural soil conditions and allowing additional areas to revegetate and establish more stable soil conditions. As Belnap et al. (2009) showed and is well known, in wind borne dust from*

intact soils is significantly less than from disturbed soils. ORV use introduces significant dust into the air even in low wind conditions and coupled with moderate or high wind this increases significantly.

Response: In Section 2.3.4—Soil Resource Management, the Goals and Objectives and Management Actions describe goals related to the reduction of soil erosion and minimization of soil disturbance (as well as soil erosion). The air quality modeling took into consideration the OHV activities.

Comment 1184: *Finally, the DEIS fails to identify sensitive receptors and the impacts on them from air quality impacts resulting from OHV use at the ISDRA. As BLM is aware, air quality in the ISDRA, especially in the areas of concentrated use, is unhealthy. The air in the area around Glamis, for example, is so bad that visibility is drastically reduced. Despite obvious health risks, there are people who bring children, even babies, to the ISDRA, exposing them to the health risks associated with poor air quality. Certainly, these children and babies should have been identified as sensitive receptors.*

Also, BLM and other agency personnel who are required to work in the ISDRA are subject to health problems from exposure to the dangerous pollutants. The DRAMP/DEIS does not identify any mitigations for reducing these impacts; the FEIS must do so.

Response: BLM considered sensitive receptors as population centers such as towns and villages, camp grounds and trails, nursing homes, schools, roads, airports, and mandatory Class I federal areas, where air pollutants can adversely affect public health, safety, and welfare. The SRMA was designated under the CDCA Plan as an intensive OHV use area. Best available control measures have been included.

Subconcern: Water/Watershed Management

Comment 881: *In Section 4.4.3 Cumulative Impacts expand discussion of the impacts to groundwater resources local to the Planning Area; for example, the Amos–Ogilby hydrologic unit near the Glamis area.*

Response: BLM has included additional information about groundwater basin resources found within the Planning Area, including the Amos–Ogilby hydrologic unit. Cumulative impacts for all resources areas, including water resources, were also revised for clarity.

Comment 1078: *The Draft RAMP/EIS completely fails to actually evaluate the impact on water resources from the different alternatives. Instead it provides a vague insight: “Differences in impacts to ground water resources would potentially vary by alternative as the amount of surface disturbance varies. Alternatives providing more acreage for OHV recreation, camping, construction activities, as well as renewable energy and*

geothermal development activities would result in greater adverse impacts” (at 4-13). This analysis is uninformative on the actual impacts to water resources.

Response: As stated in Chapter 4.0, Section 4.4.1, differences in impacts to groundwater resources by alternatives would be similar to those outlined in Section 4.3.2 for Soil Resources. The language in Section 4.4.1 has been modified for clarity. As stated in Sections 2.3.2 through 2.3.18, none of the proposed management actions identified would require the use of surface water or groundwater. Impacts to groundwater resources from proposed construction activities, such as renewable energy and geothermal sites, would be analyzed under a separate NEPA document specific to the proposed actions.

Subconcern: Soils Management

Comment 548: *Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.*

Response: Impacts to soil resources from proposed construction activities, such as renewable energy and geothermal sites, would be implementation-level actions that would be analyzed under a separate site-specific NEPA analysis prior to authorization of the project. The Proposed RAMP/CDCA Plan Amendment and Final EIS does not analyze implementation-level actions. Any contaminated soils would be addressed according to BLM hazardous materials procedures. There are no BLM-administered lands identified as available for disposal in the Planning Area.

Comment 1086: *The Draft RAMP/EIS fails to look at all the impacts on the geology of soils generated by ORVs in the planning area. Studies show that sand compaction by vehicles and human trampling increases soil bulk density, penetration resistance, and thermal capacity (Little and More 1974). Luckenbach and Bury (1993) suggested that comparable soil effects are expected through ORV use in the planning area and that more studies are required. BLM never conducted studies to compare hydrology and compaction between motorized and non-motorized areas, and these studies are not proposed in any of the alternatives. These studies would help to assess the overall condition of habitat for sensitive plants and animals.*

Response: The BLM NEPA Handbook requires BLM to use the best available information for decision purposes, including both peer reviewed and non-peer reviewed data (BLM NEPA Handbook H-1790-1, Chapter 6, Section 6.8.1.2). In addition, CEQ regulations require agencies to ensure the professional integrity of analysis in an EIS (43 CFR 1502.24). All resources and references used to develop the EIS, such as the

Steiger and Webb (2000), and Norris (1995) reports cited in the Proposed RAMP/CDCA Plan Amendment and Final EIS, are part of the Administrative Record.

5.4.2.4 Access and Transportation

Subconcern: OHV Closures in Planning Area

Comment 768: *I know that with budgets the way they are, people in government are looking for ways to reduce expenditures and services. However, I just don't think cutting back on recreation opportunities at Glamis is the way. Off-roaders pay fees in the form of gasoline taxes and registration fees that support our right to have off-road recreation areas in California. Glamis has a long history of off-roading and I want to see that continue for generations.*

Response: Compared to the current condition (87,713 acres open to OHV recreation), an additional 39,703 acres (127,416 acres open to OHV recreation) would be made available for OHV recreation under the BLM's Proposed RAMP/CDCA Plan Amendment (Alternative 8). Additionally, Alternatives 4, 5, 6, and 7 provide 18,130, 16,126, 21,201, and 37,997 additional acres for OHV recreation, respectively. The SRMA has been designated for OHV recreation in the CDCA, and the goal for the closures is to provide a balanced approach to public land management and public land resources and uses. FLPMA requires that BLM adopt a balanced approach to managing public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use" (FLPMA Sec 102 [a][8]).

Subconcern: Transportation System Management

Comment 848: *Volume II of the DRAMP and the DEIS includes several maps that among other things define the "OHV Management Areas" for the proposed alternatives. These maps do not provide sufficient detail to allow the public to comment on the proposed alternatives. BLM publishes the latitude and longitude coordinates for the camp grounds and places of interest at the ISD. Without similar coordinates for the boundaries of the proposed closures the public cannot evaluate the impact on OHV activity and make meaningful...*

Response: Maps were included in the Draft RAMP/Draft EIS and are included in the Proposed RAMP/CDCA Plan Amendment Final EIS for public review, and all GIS data used to develop maps are part of the Administrative Record. To provide the public with a reasonably accessible document (download size), GIS data are not included in the draft documents.

Subconcern: Access to Public Lands

Comment 628: *I respect the need of the OHV community and the use that's been traditional there but I want to make sure that us hikers, you know, us idiots that want to walk across the dunes sometimes have like -- we don't have bathrooms in the wilderness areas. We don't have places to park. There's no toilets and no trash cans or anything, there are people out there who think the dunes are beautiful and want to explore them by foot and I know the wilderness is available to do that but there's no facilities there. So, by the way, when we go hiking we have to pay \$25 a day, too.*

Response: Currently, there are no facilities proposed in the North Algodones Wilderness or adjacent areas. Limited parking is available at the Osborne Overlook watchable wildlife site and the Plank Road ACEC on the south side of Highway 78. These parking areas are exempt from FLREA and fees. Fees are not required for parking, undesignated parking or picnicking along roads or trail sides. Fees are charged for camping areas, such as the Osborne camping area.

Under Visitor Facilities in the CDCA Plan, it states that visitor facilities will be kept to a minimum in the desert. The watchable wildlife site and overlook has kiosks, wayside exhibits, a picnic table, and a developed parking area.

The BLM considers construction of new amenities based on user demand and funding availability. Many of the existing facilities were funded through OHV grants from State Parks.

Subconcern: Route Maintenance

Comment 457: *Page 2-62 Section 2.3.14.3.2. Will the BLM be improving these roads to accommodate these larger vehicles? These large vehicles, if allowed to operate on many of the BLM maintained roads, will cause considerable damage as the majority of these roads were not originally constructed to support the weight of these commercial vehicles. Will this section trump the vehicle restrictions put on these roads by local BLM law enforcement?*

Response: The roadways mentioned are existing (Interstate 8, Ogilby Road/S34, and SR-78) and were built to accommodate large, motorized camping units such as RVs, toy haulers, semi-truck/trailer combinations, fifth wheel trailers, and others. BLM would continue to maintain Wash Road, Gecko Road, Gray's Well Road, Ogilby Camp Road, and Dunebuggy Flats Road to provide public access.

5.4.2.5 Recreation Management

Subconcern: Camping Areas

Comment 349: *Remove Buggy Flats from the rain closure option and no limits on campers.*

Comment 536: *[T]here is a need to expand camping and staging areas. Why not open up the area between Highway 8 and 78 especially along the canal?*

Comment 592: *Also, looking at the camping closures in the Dunebuggy Flats and in the microphyll woodlands area, it is one thing if you're going to close an area to protect a resource such as the Pierson's [sic] Milkvetch, but when you start closing areas which are currently used as camping you're to be displacing people to somewhere else. Please provide an alternative for them to go to, whether that means extending your opening area on to the east side of the railroad tracks and providing access, legal access, either over or under the railroad tracks, but accommodate the camping areas that you are projecting to close.*

Comment 622: *[M]y concern is about the camping. And in area in society when you group people together, be it in a park, be it in a prison, be it anywhere, you have problems. And what you're doing right now is you are creating a problem for us campers. Like all the rest of these fine people here, we don't keep our music up loud, we don't go and race past people's camps, but there's a lot of people that do and they do it because they're all crowded in, making all kinds of noise where otherwise you wouldn't even be hearing them. So in order to keep the family values that we all like that we want our kids to be able to enjoy, we want our grandkids to be able to enjoy. You got to open up more camping. That's the problem with the recommended planning.*

Comment 694: *Will additional camping pads be constructed to mitigate the loss of this camping should you adopt that piece of it?*

Response: Appendix T of the Proposed RAMP/CDCA Plan Amendment and Final EIS presents reasonably foreseeable development scenarios for camping pad and road developments. Future developments would be analyzed under separate NEPA documents. The alternatives do analyze the effects from removing some current camping opportunities (displacing visitors); please see Section 2.3.15—Recreation Resource Management and Table 2-17. All public lands are generally open to camping unless otherwise designated as closed.

Subconcern: Signage and Mapping

Comment 740: *All OHV management alternatives indicate that an area bordering the southwest CMAGR along the Niland-Glamis (A.K.A. Ted Kipf) Road would limit OHV use to designated routes of travel only. The Marine Corps has a heightened level of concern*

that potential OHVs may inadvertently stray into the CMAGR, exposing themselves to unsafe conditions which could result in fatalities, personal injury, or damaged equipment from military operations. We recommend that BLM post all roads, which lead to the CMAGR, as "closed to public access."

Response: There are no designated routes northeast of the Niland–Glamis Road that lead to the CMAGR that are within the planning area. BLM is not proposing to change the designation of the routes outside the Planning Area. Changing their designation is outside of the scope of the Purpose and Need of the RAMP. Depending on the outcome of the expansion, a different decision may be made regarding these routes via the withdrawal process, pending Congress' decision.

Subconcern: Developed Recreation/Recreation Facilities

Comment 334: *My understanding is that trash service will be discontinued starting next season. I remember what it used to be like before dumpsters, it wasn't pretty. It has taken years to educate campers to pack their trash out and having dumpsters there made it easier. I understand that the trash service is expensive. It would be nice to find out if by limiting the amount of dumpsters that are delivered on off weekends and / or reducing the amount of pick-ups on off weekends that some savings could be had that might make it possible to continue service. We allow a camp host there during the season and it seems to me that they could be trained to notify BLM personnel when dumpsters are or are not needed based upon the volume of visitors. I think it would be worthwhile to look into a contract with a trash service that would allow this type of flexibility.*

Response: BLM is planning to continue trash collection service. This was not discussed in the RAMP as it is a lower level implementation decision.

Comment 595: *Gecko Road, there is a lot more area for -- open for pads and stuff. I know it was proposed at one time to take that down a lot further than Roadrunner. Has that been studied to give us more access there?*

Comment 1001: *If a rate increase would help keep more areas open I would be in favor of that then more closueres [sic].*

Response: In the Reasonably Foreseeable Development Scenarios (Appendix T) additional camping opportunities are proposed. Site-specific development would be analyzed separately for each individual future development.

Comment 389: *The first comment is concerning the DEIS pg 3-9 paragraph 4. The reference of the dune season being 197 in a season is inaccurate. The dune season should also reflect the usage during the hotter summer months making the dune season 365 days. The dunes are used by many, including myself and my staff during this time.*

We and others ride at night when it is cooler, some camp during the days, and those who are local will go home. The extension of the dune season to 365 years would impact all the subsequent projections used in the DEIS and DRAMP.

Response: The reference to the Dune season and 197 (days) could not be found in the document. The SRMA is open to the public 365 days a year, although the majority of recreational use occurs during the fall and winter months. Analysis was based on yearly use of the SRMA.

Subconcern: Dispersed Camping

Comment 865: *Page 2-68 Section 2.3.14.4 (Limited Areas). This section quotes the "California Desert Conservation Plan" (CDCA), which allows camping within 300 feet of the centerline of a route in Limited Use areas. Does this CDCA camping policy apply to the Ted Kipf Imperial County [sic] road? If not, please explain why not? Ted Kipf road is listed in Table 2-15 as a route of travel. As this area may see increased camping use with any the periodic closure of the Dunebuggy Flats campground, the RAMP should clearly state that camping is allowed along this route.*

Response: Ted Kipf Road is located within the NECO Plan area. The NECO Plan area overlaps the ISD Planning area along the eastern portion between the SRMA boundary and the Planning Area boundary. The ISD RAMP will replace the NECO Plan decisions. Vehicle camping within 300 feet of a designated route, unless closed, will be allowed, which includes the BLM-administered lands adjacent to Ted Kipf Road.

Ted Kipf Road is a BLM route. Camping is limited to within 300 feet of the centerline on Ted Kipf Road. The alternatives descriptions have been revised to clarify this.

Subconcern: User Fees

Comment 354: *Add a permit/ fee for day hikers and backpackers in wilderness area.*

Comment 668: *[O]ne of the main reasons we don't go to the dunes anymore is because we feel that there should be a day's permit offered to local duners or anybody, for that matter... I can't afford to go out to the dunes for three or four hours for 40 bucks. It's just not -- you know, it's just not feasible to me . . . you shut out a lot of local people by not having such [a day use] permit.*

Comment 1001: *If a rate increase would help keep more areas open I would be in favor of that then more closueres [sic].*

Response: BLM will address permits and fees in the ISD Business Plan.

Subconcern: User Education, Research

Comment 749: *I favor an education strategy to help people further protect the dunes. Lets team up with organizations such as the ASA to clean up and protect a great California tradition and way of life.*

Comment 833: *Page 2-59 mentions expanding visitor education regarding pack it in pack it out' principles and Leave no Trace ethics. Please add a bullet point for a management action about adding interpretation to visitor education.*

Response: BLM currently promotes education opportunities throughout the Planning Area and will continue to do so. Goals and objectives, and management actions related to public education are found in Section 2.3.2 through 2.3.18. The BLM also promotes ongoing volunteer opportunities with various partners, as detailed in Section 3.15.4—Volunteer Events.

5.4.2.6 Lands and Realty

Subconcern: Renewable Energy – Geothermal, Solar, and Wind

Comment 416: *Another area of inconsistency is the inclusion or prohibition of renewable energy development. In some alternatives renewable development is allowed, in others prohibited and in still others there is hybrid approach to this development. If your intent was to be politically correct (PC) than you should have a consistent approach to this development. Either support development everywhere or not allow development anywhere and have a defensible position for whatever position you select.*

Comment 741: *Wind energy development and utility corridor designation, in the same location mentioned in the above paragraph [area bordering the southwest CMAGR along the Niland-Glamis (A.K.A. Ted Kipf) Road] have been identified in the RAMP alternatives and have the potential to impact military testing and training. Specifically, the heights of renewable energy structures and transmission lines pose potential hazards to low-level aircraft entering and exiting the range airspace, as well as those transiting military training routes and special use airspace in and around the CMAGR. See BLM's ISDRAMP Draft EIS Map 2-28...for specified area. We recommend BLM coordinate with the MCI WEST WREC at the earliest stages of planning for any renewable energy and transmission development on the ISDRA to eliminate any hazards to low-level aircraft entering, exiting and transiting military training routes and special use airspace in and around the CMAGR.*

Comment 786: *The Imperial Sand Dune Recreation Area (ISDRA) is a recreation area and should remain as such. As much as I am in favor of "alternate energy" sources such as solar, wind and geothermal I don't believe that any land within the designated recreation area should be allowed to become "commercial" except in the direct support*

of the ISDRA itself, and that on a very limited basis. The BLM has plenty of land not designated as within the ISDRA but within this arid region that can be utilized for the commercial development of wind, solar and geothermal, if so needed.

Comment 990: *[R]emove geothermal or mineral leasing from all areas of the ISDRA or place restriction such that these activities do not contribute to a loss of recreational area. The ISDRA is a truly unique recreational area that cannot be found elsewhere. If geothermal leasing is allowed, directional drilling or other restrictions to ensure continued OHV must be required.*

Comment 1108: *Even the most conservative alternative (alternative 8) proposes to site renewable energy within habitat for the imperiled flat-tailed horned lizard and the desert tortoise. These impacts are not analyzed in the Draft RAMP/EIS. Additionally, the location of the proposed areas are primarily downwind of the dunes, and the dunes will eventually encroach upon those areas, making them unsuitable for long-term industrial development. Coupled with the ORV use in the planning area, we fail to see how single-use renewable energy is compatible with uses already occurring in the planning area.*

Comment 1189: *The ISDRA is not a suitable location for locating geothermal, wind or solar facilities. These facilities are industrial in nature and incompatible with either the National Natural Landmark values of the ISDRA or the recreation activities. The facilities required for the production of energy will damage wildlife habitat, increase ground disturbance and thus further impair air quality. Utility-scale solar and wind facilities can include commitment of a large land area. Impact to special status species could include habitat degradation, fragmentation, or loss; potential mortality of individual animals, and damage to or death of individual plants. (DEIS, p. 4-28). PEER is opposed to such facilities in the planning area.*

Response: It is the policy of the federal government, consistent with Sections 102(a)(7), (8), and (12) of FLPMA (43 USC 1701 *et seq.*) to encourage the development of mineral resources, including geothermal resources, on federal lands. The Geothermal Steam Act of 1970 (30 USC Section 101 *et seq.*), which was amended by the Energy Policy Act (EPA) of 2005, provides statutory guidance for geothermal leasing by the BLM. New federal geothermal development regulations (43 CFR Parts 3000, 3200, and 3280—Geothermal Resource Leasing and Geothermal Resources Unit Agreements) were made effective June 1, 2007 (72 *Federal Register* 24358, May 2, 2007) as a result of a directive provided in the EPA of 2005.

The CDCA Plan identifies two KGRAs within the ISD Planning Area (see Map 3-9). Although there are two KGRAs within the Planning Area, under the Proposed RAMP/CDCA Plan Amendment, portions of these areas would be open to geothermal leasing subject to no surface occupancy stipulations. Some BLM-administered lands would not be made available to geothermal leasing as depicted on Map 2-11 in the Proposed RAMP/CDCA Plan Amendment and Final EIS.

It is BLM's general policy to facilitate environmentally responsible commercial development of solar and wind energy projects on public lands.

A reasonable range of alternatives was developed to address the statutes and regulations that mandate the consideration of renewable energy projects (including geothermal, solar, and wind) while also considering the multiple use and sustained yield mandates of FLPMA (protection of natural and cultural resources and providing for continued outdoor recreation and human occupancy and use). Alternatives 3, 4, 5, 6, and 8 exclude varying acreages from renewable energy development in the Planning Area (see Section 2.3.17—Lands and Realty Management, Tables 2-22 and 2-23 for solar and wind; and for geothermal 2.3.14—Mineral Resource Management, Table 2-16). Any renewable energy project proposed within the Planning Area would require additional NEPA analysis to determine impacts of the proposed project.

Subconcern: Public Land Ownership/Boundaries

Comment 1076: *Several private parcels of land are located within the planning area. The Draft RAMP/EIS provides no analysis of the impacts of the alternatives to any of these lands. In 2001, off roaders in a single weekend significantly vandalized an agricultural operation within the planning area. Trespass onto private in holdings is actively encouraged by BLM in both its current operations of the Dunes (i.e. maps of open areas) and in the proposed Draft RAMP/EIS. This is unlawful and renders the plan suspect.*

Response: In accordance with FLPMA and the BLM Land Use Planning Handbook (H-1601-1), a planning area boundary includes all lands regardless of jurisdiction; however, BLM would only make decisions regarding lands administered by BLM. Private property within the boundaries of the Planning Area would not be impacted by the legal activities associated with RAMP decisions, as private land is outside the jurisdiction of the BLM. BLM actively discourages illegal activities, which often are addressed through law enforcement channels. Maps depicting designations within the Planning Area clearly identify private lands and are available from BLM.

Subconcern: Communications Sites and Facilities

Comment 463: *Page 2.3.16.2.3 Communication Sites. I don't see the new Buttercup Ranger station listed as a communication site. Is this site now or in the future going to be a BLM communication site? Are there any United States Border Patrol communication facilities that should be included in this section?*

Response: Communication Sites and Facilities in this section refer to authorization of new rights of ways. Existing communication infrastructure that is part of BLM or other government facilities are not part of this section. All publicly available information regarding communications sites existing within the Planning Area at the time the

DRAMP/DEIS was developed has been included. Other communication sites managed by other agencies such as USBP, the military, Imperial County, or those privately owned are not identified. The section has been revised accordingly.

Subconcern: Land Actions or Tenure

Comment 467: *Page 3-123 Section 3.16.4 Withdrawals. This section states that the withdrawals in the planning area are illustrated on Map 3-10. Perhaps the scale is too small to see the noted withdrawals on the map but I can't see where the withdrawals associated with the United States Bureau of Reclamation (USBR) canals of depicted on map 3-10. Please supply a map that shows the all the withdrawals, including all USBR withdrawals, that affect the ISD.*

Response: BOR withdrawals are discussed in Section 3.17.4—Withdrawals (New Coachella Canal and All-American Canal, 1000 feet on either side of the canal centerline). The BOR withdrawals are now depicted on Map 3-10 as these canals.

Subconcern: Acquisitions

Comment 462: *Page 2-80-81 Section 2.3.16.1.2 Acquisition. Currently, the BLM is actively acquiring flat-tailed horned lizard habitat as mitigation for impacts to lost habitat resulting from several projects, including the Arizona State Highway project, Drop 2 Water Reservoir, and the All-American Canal lining. Compensation monies are being used to make the purchases of lands from willing sellers. Sections of land, or portions thereof, in various stages of the acquisition process lie within the Planning Area."*

Please identify where these lands are located in the planning area and where the funds for the purchase of these lands are coming from. If these lands are in OHV open areas are there any restrictions on recreation contained in the purchase of these lands as mitigation for the lost habitat for the FTHL?

Response: Lands proposed for acquisition for the flat-tailed horned lizard are located primarily within or adjacent to the East Mesa ACEC. Although these lands are within the Planning Area, they are not within the SRMA. The funding for mitigation lands for the flat-tailed horned lizard comes from a variety of applicants, including other government agencies, as mitigation for other projects on public lands in flat-tailed horned lizard habitat. No specific acquisitions have been proposed while developing the Proposed RAMP/CDCA Plan Amendment and Final EIS.

5.4.2.7 Special Area Designations

Subconcern: Wilderness

Comment 937: *It is welcomed to find that the Wilderness area has throughout the plan a set number of acres. Now listed as 26,098 acres, yet this number does not match ANY of the number previously listed acreage numbers in the past DRAMP. Can you please explain where this “new” number came from? Previous numbers included: 32,240-acre, 27,695 acres, 27,089 acres and 26,202.*

Response: As stated throughout the Proposed RAMP/CDCA Plan Amendment and Final EIS, inconsistencies in acres found within the plan may be due to GIS data and rounding. The use of more accurate GIS data allows a more precise estimation of the wilderness area acreages based on the location of boundaries within the Planning Area. Additionally, only BLM-administered lands are included in the current acreage. The actual boundary of the North Algodones Dunes Wilderness as designated by Congress has not changed.

Comment 1186: *The FEIS must explain how the RAMP will preserve the Class I visibility in the Wilderness area, while allowing degradation to Class III and Class IV in adjacent areas.*

Response: Potential impacts to the wilderness and other special designation areas are discussed in Chapter 4.0, Section 4.12. The North Algodones Dunes Wilderness would continue to be maintained as a Class I viewshed under all alternatives. Buffers to wilderness areas with the sole purpose of protecting wilderness values are prohibited under the Wilderness Act as discussed in Section 3.13.1—Wilderness.

Subconcern: Areas of Critical Environmental Concern

Comment 1089: *According to FLPMA, “areas of critical environmental concern” should be given priority. According to § 1702 (a), these are: Areas within public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. Therefore, reasonable alternatives must include protection of sensitive species as a higher priority than off-road vehicle recreation.*

Response: Under all alternatives, sensitive species are protected within the North Algodones Dunes ACEC. The ACEC designation would be eliminated under Alternatives 3 through 8, as a higher level of protection is provided by the wilderness designation. The adjustment of the East Mesa ACEC boundary would better reflect the management goals for this area. The reasons for the establishment of this ACEC are based on the

values within the western portion, which is separated from the eastern portion by the Coachella Canal. No changes have been proposed for the Plank Road ACEC.

Subconcern: East Mesa ACEC

Comment 1047: *Many of the proposed alternatives including the preferred alternative would actually reduce the existing East Mesa ACEC by 650 acres (at 2-46). The ACEC was established to protect the flat-tailed horned lizard. Clearly this is not beneficial to the conservation of the flat-tailed horned lizard and should be abandoned.*

Response: BLM evaluated existing ACECs within the Planning Area to determine if modifications of changed conditions had affected the relevance and importance criteria for each. The East Mesa ACEC was evaluated in this process, and alternatives were developed based on the review of relevance and importance criteria as well as the habitat elements and conservation criteria of the flat-tailed horned lizard.

The adjustment of the East Mesa ACEC boundary will better reflect the management goals for this area. The reasons for the establishment of this ACEC are based on the values within the western portion, which is separated from the eastern portion by the Coachella Canal. This change will align the boundary of the ACEC with the East Mesa Flat-tailed Horned Lizard Management Area.

Subconcern: National Natural Landmark

Comment 1180: *[T]he DEIS continues a BLM pattern of ignoring the designation of the ISDRA as a Registered Natural Landmark (RNL). Neither Section 1.4 (Planning Criteria/Legislative Constraints) nor Section 1.5 (Planning Process) address the RNL Designation. As a result, the ISDRA values that make it eligible for the RNL designation are given short shrift.*

According to the National Park Service, the ISDRA “is an outstanding example of dune geology and ecology in an arid land...36 CFR 62.6 (f) requires: Federal agencies should consider the existence and location of designated national natural landmarks, and of areas found to meet the criteria for national significance, in assessing the effects of their activities on the environment under section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4321).

The DRAMP and DEIS fail to even mention the RNL designation. The final DRAMP and EIS should remedy this by a full discussion of the significance of the RNL designation, the resources in the ISDRA that led to the designation, and how each alternative protects and enhances those resource values.

Response: A portion of the North Algodones Dunes Wilderness extending into the Mammoth Wash open area is registered as a National Natural Landmark. FLPMA requires BLM to use and observe the principles of multiple use in developing land use

plans for public lands. Multiple use is a concept that requires that public lands and their resource values be managed in a way that best meets the present and future needs of the people. Multiple use involves a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources. BLM will manage the SRMA for resource conservation and meeting the current and future recreational use needs. Management will be consistent with the National Natural Landmark designation. A discussion of the National Natural Landmark status and potential impacts is provided in Section 3.13.4—National Natural Landmark.

5.4.2.8 Social and Economics

Subconcern: Social/Economic, General

Comment 919: *Has the economic impact to the area been considered when reviewing these alternatives? Businesses such as the Glamis Beach Store, Mama Jeanine's Restaurant and Glamis storage as well as the seasonal vendors depend on the OHV community for their livelihood.*

Comment 960: *[T]he closure would have a catastrophic impact in the already heavily impacted imperial county economy. More closures would deter people from visiting ISDRA, thus resulting in less money coming into the imperial valley. Westmorland, Brawley, El Centro, and surrounding cities and communities would lose out on much needed sales of gasoline, groceries, fast food, hotel rentals. More closures would send that money to othe[r] parts of the state, other states like Nevada and Arizona, or oven [sic] worst [sic], Mexico.*

Response: Chapter 4, Section 4.18—Social and Economic Impacts, presents an analysis of impacts from those management actions and land use decisions that would potentially affect the economic aspects of: revenue; employment/unemployment; personal income; and county tax base. Community-level economic impacts were considered as a part of the analysis. The best available economic data for the community were used in writing Section 4.18.

Comment 1165: *The RAMP/EIS must provide more information on economic impacts on Imperial and Yuma County. The RAMP/EIS does not provide adequate information regarding the current economic conditions in Imperial County (CA) and Yuma County (AZ). Nor does it assess or disclose the effects, if any, of the proposed alternatives on these economic conditions, including unemployment and poverty rates. Specifically, it would be helpful to know the impact of each alternative on the economies of the cities and towns nearest the ISDRA, such as El Centro and Brawley. The document should also evaluate whether these economic impacts may lead to physical/visual blight in the affected areas.*

Response: The best available economic data for the community were used in writing Sections 3.19 and 4.18. As detailed in Section 3.19—Social and Economic Setting, the economic analysis for the ISD Planning Area is divided in two geographic areas. The EIA is defined as the three counties of Imperial, Yuma, and La Paz in which 90 percent or more of the spending impacts of the Planning Area visitors would be felt. The MDA is defined as the 10 counties that generate more than 90 percent of all visitors to the Planning Area (Imperial, Yuma, La Paz, Los Angeles, San Bernardino, Riverside, Orange, San Diego, Maricopa, and Pima counties). Section 3.19 also details the economic modeling and impact analysis process. The Proposed RAMP/CDCA Plan Amendment and Final EIS, Chapter 4.0, Section 4.18, Social and Economic Impacts, presents analysis of impacts to economic conditions from those management actions and land use decisions that would potentially affect the economic aspects of: revenue; employment/unemployment; personal income; and county tax base. Analysis was based, in portion, on visitor surveys conducted within the Planning Area.

NEPA analysis does not include physical/visual blight analysis; this is typically done via CEQA.

Subconcern: Social/Economic Analysis

Comment 1075: *The Draft RAMP/EIS fails to look at the negative impacts associated with injuries from ORV use and the expenses related to the extra law enforcement required in the planning area, especially during popular holiday weekends. Furthermore, due to the document's failure to include recreational activities other than ORVs, the agency never assesses the economic impacts of non-ORV recreationists. Many counties receive a substantial amount of economic benefit during birding and wildflower seasons at the Algodones...*

Response: The best available economic data for the community were used in writing Section 4.18—Social and Economic Impacts, including impacts on mineral resources, recreation program, transportation and public access, and the lands and realty program. Impacts on public health and safety are analyzed in Chapter 4.0, Section 4.17.

BLM operational expenses were considered in the economic analysis, including law enforcement and medical response. Medical expenses paid directly by the visitors were included in the visitor survey. The visitor survey is the source of the underlying data for visitor expenditures related to recreation. These visitor expenditures were included in the economic analysis.

The recreational visitor numbers that were used for visitors included those there for OHV as well as other recreational uses. The economic analysis does not do a breakout based on the type of recreational opportunity.

Comment 404: *Under Economic Impacts PG4-87 most of County maintained roads within the proposed recreational area are not structurally design[ed] to handle the OHV vehicles or the existing turn radius at road interesection[s] also are not design[ed] to handle this [sic] type of vehicles. Due to the amount of traffic generation on County's paved and unpaved roadway, it does create a significant impact to the County road maintenance funds.*

Response: County road maintenance is not addressed in the Proposed RAMP/CDCA Plan Amendment and Final EIS, as these roads are not managed or maintained by BLM. BLM does not manage county roads.

The BLM will continue to work with Imperial County and discuss the specific roads and maintenance needs. For the purposes of the economic impact analysis within the document, these maintenance activities would not change the outcome of the analysis. Also see Sections 4.18.3 and 4.18.4.

Subconcern: Public Health and Safety

Comment 549: *Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there area, have been, or will be, any release of hazardous materials that may pose a risk to human health or the environment.*

Comment 1085: *The Draft RAMP/EIS fails to include an analysis of the hazardous material spills that occur on the dunes from ORV activities. These toxic substances can detrimentally affect the numerous plants and/or animals that live on the dunes. It also fails to identify or include analysis of the illegal dumping of human waste and chemicals from ORV related camping activities.*

Response: The construction and demolition activities mentioned in the RAMP would undergo further NEPA analysis prior to their implementation. Impacts of each alternative on Public Health and Safety, including hazardous materials, were analyzed in Chapter 4.0, Section 4.17 of the Proposed RAMP/CDCA Plan Amendment and Final EIS. BLM does not analyze illegal activities in NEPA documents; hazardous material, human waste, and chemical dumping are illegal activities.

Comment 1069: *The Draft RAMP/DEIS fails to include a plan that assures adequate law enforcement to ensure public safety. While we support cooperative agreement with local and state law enforcement officials, the document fails to identify the level of law enforcement that will occur on the dunes especially during popular holiday weekends. The highest level of law enforcement on the “biggest” weekend – Thanksgiving weekend – was only 62 (in 2008 [at 3-131]) when on average over 181,258 people are at the*

dunes. This number of law enforcement is inadequate to handle the emergencies and enforcement, much less protection of resources. Furthermore, the current level of law enforcement is supported by a temporary grant (at 3-150), which can not be counted on for funding in perpetuity. By limiting the number of people that access the planning area especially during the popular holiday weekends, the limited law enforcement resources would be better able to handle enforcement issues.

Response: BLM law enforcement personnel and incident commanders determine the number of personnel needed for visitor safety and resource protection during holiday weekends and staff appropriately according to the Incident Action Plan developed for each major holiday event.

As detailed in Section 3.18—Public Health and Safety, the BLM coordinates law enforcement with various federal and state agencies, including National Park Service, USFWS, USBP, U.S. Forest Service, State Parks, California Highway Patrol, Imperial County Sheriff's Department, Imperial City Police Department, Brawley Police Department, El Centro Police Department, Calipatria Police Department, and Calexico Police Department. BLM also has implemented a national law enforcement detail process to adequately staff the SRMA during peak visitation. Impacts of each alternative on Public Health and Safety were analyzed in Chapter 4.0, Section 4.17.

Comment 1187: *Law enforcement issues continue to be prevalent at the ISDRA. (DEIS, p. 3-130) The alternatives comparison indicates that closure of some areas could lead to higher densities in others, leading to more frequent law enforcement issues. Tables 3-19 and 3-20, which identify citations and arrests in the ISDRA between FY 2004 and FY 2008, do not include data for Martin Luther King Jr. or Easter holiday weekends. As these are major visitor days, omitting that data renders these tables relatively meaningless. The tables should include incidents for those weekends.*

Response: It is the policy of the BLM to use the best available information for decision purposes. Section 3.18—Public Health and Safety was based on the best available information related to public health and safety, including citations and arrests in the Planning Area. In addition, the RAMP and EIS are carefully reviewed by local, state, and federal agencies, including law enforcement agencies.

The BLM does not currently consider these periods as major visitation incidents due to the low levels of visitation. Previously these periods were peak visitation times, but that has changed in the past few years due to the dynamic visitation patterns. Although the incident command system is not typically implemented during these weekends, adequate personnel is provided for visitor safety and resource protection. Since these weekends are not managed under the incident command system, arrest and citation data are not compiled and are unavailable for the document. BLM does not believe this information would provide additional information that would change the conclusions of the analysis. Members of the law enforcement coalition also provide staff for all holiday

weekends, including the four major weekends (see Section 3.18.3—Law Enforcement and Public Safety).

5.4.2.9 Plan Specific

Subconcern: CDCA Plan

Comment 438: *Page 1-10 Table 1-2. I question the designation of Dunebuggy Flats and the Ogilby areas as Class L (limited use). These areas have usage as intensive as the Glamis area and more fit the definition of Class M or Class I. Also the designation of Mammoth Wash area as Class I seem to be incorrect as this area should be designated as Class M. The designation of the Glamis area as class M and Mammoth Wash as class I just do not make sense. Please describe in detail the rationale for these designations.*

Response: The CDCA Plan designated the ISD Planning Area MUCs. The draft EIS did not provide any changes to the MUC. The existing MUCs will remain the same for all alternatives. Please see Sections 2.3.1 and 3.2 of the Proposed RAMP/CDCA Plan Amendment and Final EIS for specific information about the MUCs.

5.5 List of Preparers and Contributors

Though individuals have primary responsibility for preparing or contributing to sections of the Proposed RAMP/CDCA Plan Amendment and Final EIS, the document is an interdisciplinary team effort (Table 5-1). In addition, internal review of the document occurs throughout preparation. Specialists at the BLM's field office, state, and Washington office levels review the analysis and supply information, as well as provide document preparation oversight. Contributions by individual preparers may be subject to revision by other BLM specialists and by management during internal review.

**TABLE 5-1
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